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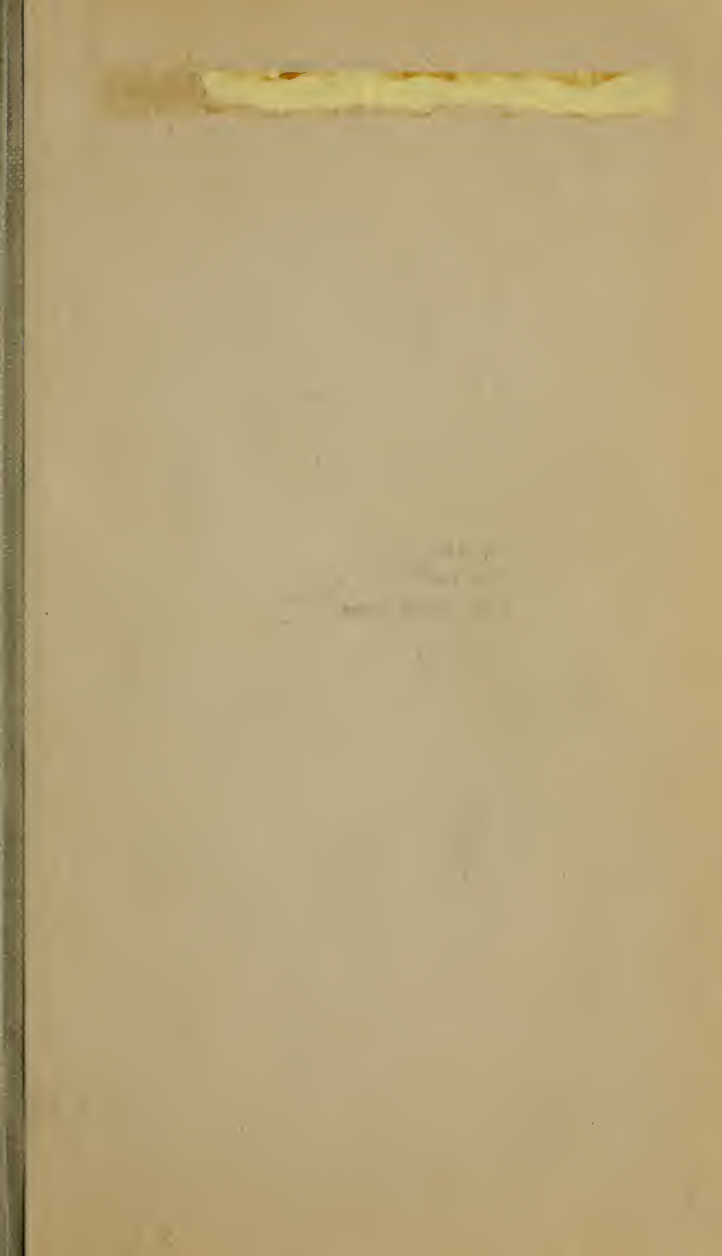
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ILLINOIS HISTORICAL SURVEY



SKETCHES OF THE WEST.



SKETCHES

OF

HISTORY, LIFE, AND MANNERS,

IN

THE WEST.

BY JAMES HALL.

IN TWO VOLUMES.

VOL. II.



PHILADELPHIA :

HARRISON HALL, 62 WALNUT STREET.

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PART IV.

EVENTS IN THE EARLY HISTORY OF KENTUCKY.

CHAPTER I.

Organization of Counties—Foreign Intrigues—Attempts to form a State Government—Differences of Opinion in reference to that Measure.

Previous to the year 1793, the whole of our western frontier was continually harassed by the inroads of the Indians. Kentucky, then recently erected into a state, was a wide battle field, in which our gallant countrymen maintained themselves by a series of hardy exploits and patient sufferings. Gradually, however, the savages had been driven back or exterminated, until the river Ohio formed the grand line between them and the whites, and municipal regulations began to be introduced and enforced. Still there were large tracts of wilderness, lying between the settled districts, and within our acknowledged boundaries, where the marauding parties of the enemy lurked, and from which they emerged to attack the unwary traveller, or to assail the inhabitants who ventured to push their improvements into the forest, at a distance from the protection of the organized settlements.

A series of brilliant successes, obtained by the Kentuckians, led by Boone, Scott, Shelby, Hardin, Clark, and other veterans, had rendered the question of sovereignty no longer doubtful, and the white man was become undisputed lord of the soil. But the Indian, if he could not fight for victory, could still strike for revenge. He could no longer track the deer or the buffalo, in the rich pastures of Kentucky, or pitch his tent on the spot consecrated as the resting place of his fathers, and rendered memorable by the legends of his tribe. A race more numerous than his own, his equal in courage and sagacity, his superior in stature and military skill, now occupied the forests from which he had been driven, and were prepared to defend their newly acquired territory. The new inhabitants had long been trained in the school of war. They were hunters and warriors, of high courage and tried skill. Reared in habits of fearless enterprise, inured from childhood to exposure and hardship, and trained to all the devices of sylvan life, and the stratagems of border warfare, they could overmatch the savage in his native fastnesses, and foil him in his own peculiar modes of attack and defence. The savage, therefore, mournfully extinguished his fires, and abandoned the hunting grounds of his people. But he retreated like the foiled tiger, scowling at the victor, and watching his opportunity to renew the contest. He went muttering curses against the white man; and long after his power was broken, and his tribe dismembered, he continued to return at intervals, to strike a stealthy but sanguinary blow at his triumphant enemy.

The first settlements were not only exposed to the as-

saults of a savage foe, but they were separated from the mother states, by a wide chain of almost impassable mountains, and wholly cut off from the restraints and the protection of government. Instead of calling upon Virginia, or upon the general government, to protect them from their enemies, the pioneers defended themselves, and became early accustomed to rely upon their own courage and resources. Every man looked to his personal safety, and stood prepared to sustain his neighbour, and to guard his own fire-side. As the settlements extended, self-defence grew into patriotism; men united for mutual protection, and by standing side by side in battle, and rendering to each other assistance in sickness, in famine, and in all the varieties of fortune to which the inhabitants of the frontiers are exposed, became joined together by the closest ties. Thus they became kind and hospitable; and to the early impress given by these circumstances, more than to any other cause, may be attributed the generosity, frankness, and manly bearing, which still distinguish the Kentucky character.

In 1780, three counties were organized in the district of Kentucky, by the legislature of Virginia; civil and military officers were appointed; and those acts which had hitherto been voluntarily performed by private individuals, began to emanate from the body politic. It was not until the year 1794, when the Indians were signally defeated by General Wayne, on the western side of the Ohio, that peace was established on this frontier. But even then the country was far from being tranquil. A people accustomed to think and act for themselves, could feel little sense of dependence upon the parent state; their

loyalty was voluntary, and resulted solely from sound principle and natural affection. A warlike population thus independent, owing few obligations to the sovereign power, and surrounded by none of the restraints and few of the advantages of the national government, would naturally think freely, and speak with boldness, of the tie which bound them to the great republican family. They would easily be led to exercise their undoubted privilege, of weighing the advantages of the connexion which bound them to their government, and a slight grievance might give to their thoughts and language the tone of bold defiance.

One of the earliest causes of complaint, to which the people of Kentucky were exposed, arose from their geographical position. The United States, newly organized, loosely connected, weak in resources, and burthened with debt, had sufficient employment in preserving the existence of the new confederacy. No settled policy had as yet been adopted, in reference to an extension of the territorial limits of the republic. The great mass of the American people knew nothing of the fertile regions of the west, and some of our statesmen announced authoritatively, that the Alleghany mountains formed the natural boundary of the United States.

While this delightful region was thus undervalued and neglected by our own politicians, foreign nations had early adopted in relation to it, certain views which were remarkably adapted to coincide with the policy of our government, in retarding its improvement. France alone had formed a reasonable estimate of its importance. The French commanders and missionaries had traced

the long rivers of the west, and wandered with delight over its boundless prairies; and while they carefully concealed their discoveries from the rest of Europe, the French government made extensive arrangements for securing this country to themselves. Having possession of Canada and Louisiana, they early formed the plan of seizing the intermediate territory, and of confining the English to the shores of the Atlantic.

The British government, on the other hand, was not only ignorant of the great resources of the interior of our continent, but was averse, from policy, to any great extension of her colonies in that direction. Mistress of the ocean, she could easily, by means of her great navy, and commercial marine, maintain her influence and enforce her sway over a people scattered along the sea-coast, and the navigable rivers of the Atlantic; while an agricultural population, growing up in the interior, would be less apt to value her friendship, or fear her power. At a later period, when the colonies had thrown off the yoke, the British cabinet, still hoping that our weakness or our dissensions would afford to that government an opportunity to renew its usurpation, and rivet more closely than ever the chains of dependence, watched the early growth of our institutions with a vigilant eye, and endeavoured to weaken our strength, by turning loose the savages upon our western frontiers. Determined to check the expansion of our territory in this direction, her agents traversed the whole region of the northern lakes, furnishing the tribes with arms, bribing them to hostility, and artfully inflaming their passions against the American people.

The Spanish government had also her views in relation to this country; and when she obtained a cession of Louisiana from France, was induced to believe that the whole valley of the Mississippi could be easily united under her sway.

Thus it happened, that this secluded region, so lately inhabited only by wild beasts and savage men, became the subject, and the scene, of deep laid political intrigues.

Great Britain, jealous of the United States, and sore from the effects of the recent conflict, continued to hold several important forts in our western territory, long after she had agreed by treaty to surrender them. Here her agents received the Indians, supplied them with arms, and incited them to war; using covertly, every expedient to harass the new settlements, and to force the emigrants to recross the mountains. Mistress of the ocean, and of Canada, and having a navy which could command the entrance of the Mississippi, the British cabinet did not relinquish the hope, that this interior region might at some future day, if not in the meanwhile occupied by a hardy race of freemen, be placed under her control, affording her the means of assailing the United States in the rear, as well as upon the sea-coast, in case of a future war, or of any dissention among ourselves.

France and Spain, both owning islands in the West Indies, and having colonial possessions on the continent of North America, saw with distrust the territorial limits of the United States extended by treaty and by conquest, beyond the mountains. They had assisted us in our contest with Great Britain, from enmity to that power; and having seen a rival stripped of a rich appendage,

were satisfied with the result. But they had no disposition to aid in the rearing up of a great republican nation; nor were they willing to see its settlements spreading over the western valley, and coming in juxtaposition with their own. While the inhabitants of Kentucky were few, and their ability to maintain themselves in the wilderness uncertain, these views were only incidentally developed in some of the negotiations of these powers with our government; but events occurred in the west, which at length produced more decisive action.

In 1784, certain demonstrations on the part of the Indian tribes, induced a general belief in Kentucky, that an extensive league had been formed among the savages, with a view to a simultaneous attack of the settlements, at several different points; while the detention of the posts by the British, suggested the suspicion that they were acquainted with the design, and were about to aid in its execution. The population had now increased, but was widely scattered; and it was found more difficult to produce the concerted action required for the public defence, than formerly, when the number of people was small, and the leaders few. In this emergency, Colonel Logan, a distinguished pioneer, took upon himself the responsibility of calling a meeting of such citizens as might choose to attend, at Danville, for the purpose of devising means for the general security.

The meeting was effected, and the result of the consultation was an unanimous opinion that the danger was imminent, and that the surest method of repelling the threatened mischief would be to anticipate the enemy, by attacking them in their own towns. But this conclusion

led to another difficulty. There was no authority competent to order an expedition, to call out men, or to provide them with arms and ammunition. A few counties were organized, under the jurisdiction of Virginia; but the government of that state, or of the United States, only, could exercise a power sufficient for the emergency. A few years before, the voluntary action of an enterprising leader, with a few brave men, in defence of a settlement, was an every day occurrence; the number to be protected was small, the service brief, and the means easily controlled. But now there was a wide territory exposed; the inhabitants were numerous, and some of them strangers to the rest; the proposed expedition was to carry them into the enemy's country, and detain them long from home; there was no magazine of arms, no ammunition, no money belonging to the public. The consequence was, that after coming to the determination that defensive measures were necessary, the meeting dispersed without making any military preparation. In the event, the alarm appears to have been groundless, for the Indians made no attack within that year. Another result, however, of much consequence, was produced by this meeting. The absolute necessity of a local government was made manifest; and resolutions were passed, recommending to the people the election of representatives, to meet in a convention to be held at Danville, in the December of the same year, to concert measures for the public defence. A convention was held accordingly, in which it was resolved to petition the legislature of Virginia, to sanction the erection of the district of Kentucky into a separate state.

There was some difference of opinion in relation to the expediency of this measure: it was opposed by some, out of mere attachment for Virginia; by others, from a disrelish for a change, which might produce unforeseen embarrassments; and by many, who dreaded a separation from the parent state, as a sure forerunner of an alienation from the Union. The distant and detached position of these settlements, has already been alluded to; they were divided from the Atlantic states by mountains, over which it was not deemed practicable to carry roads sufficiently good for the purposes of commerce, while on the west they were hemmed in by an enemy, from whom they must defend themselves by their own unassisted valour. Their dependence upon the Union, seemed to be but nominal; it gave them no strength, and afforded them no protection. They were now beginning to raise produce for exportation, without any prospect of a market for its disposal. The only natural outlet, the river Mississippi, was in the possession of a foreign government, which denied them the right of navigating that stream; while the American government, having no power of coercion, and little national influence, seemed both unable and indisposed, to secure for its citizens in the west, by negotiation or otherwise, the advantages of that navigation. Under action of these pressing grievances, and some latent causes of discontent, there soon grew up a variety of opinions, and several distinct parties, one advocating the erection of a new state, to be a member of the Union; another hinting at the scheme of an independent government; and a third deprecating both these plans, as one might lead to the other, and preferring to remain for the present under the jurisdiction of Virginia.

From this time up to 1792, when Kentucky became a state, conventions continued to be held, memorials were addressed to the Virginia legislature, and a continued excitement was kept alive on the question of separation. In the meanwhile, rumours of a design, on the part of Congress, to cede the right of navigating the Mississippi to Spain, reached this country, and greatly agitated the public mind; and this absorbing topic became mingled with every discussion in relation to the forming of a state government.

An incident may be mentioned here, to show the excitable state of the public mind in these early times, and the various causes of irritation to which it was exposed. The noted Tom Paine had written a book, to prove that Virginia had no claim, by her charter, to the territory west of the mountains, and advising Congress to take possession of the new lands, in behalf of the Union. A person appeared at Lexington, supposed to be an emissary from—nobody knew who—but who probably was some chance traveller, aiming at a little notoriety, and who ventured to advocate the doctrines of Paine in a public speech. The indignant people called upon a magistrate to arrest the propagator of such arrant heresy, as a disturber of the peace. There was no law to justify such a proceeding; but an old Virginia statute was discovered, which imposed a fine, payable in tobacco, upon the "*propagators of false news*," and the offender was convicted by acclamation, and fined *a thousand pounds of tobacco*. Being unable to pay the fine, and unwilling to go to jail, he was released by the people, on the condition that he should leave the country.

CHAPTER II.

The Spanish and French Conspiracies—Troubles in relation to the Navigation of the Mississippi—The patriotic forbearance of the Pioneers.

It is difficult to compress into a work like this, the details of certain transactions, which caused great uneasiness to the early settlements, and have seriously affected the reputation of several distinguished patriots; and which are too important to be passed over in silence. The topics are of so delicate a nature, that it is hardly practicable to discuss them without giving offence to the living, or doing injury to the memory of the dead. We shall endeavour to perform our duty with fairness, and to place these events before the public in that light which seems to us to be true.

No sooner did the colonial Spanish agents in Louisiana observe the movements in Kentucky, towards the establishment of a separate government, and the discontents of the people, in reference to the navigation of the Mississippi, than they commenced a series of intrigues with the leading men of that region, for the purpose of detaching this district from the union.

It is proper to remark here in the outset, that no inference should be drawn to the disadvantage of gentlemen whose names are connected with these events, from the fact that the Spanish authorities thought proper to address to them proposals for an alliance with their government.

It was natural that Spain should wish to increase her own territory, or to strengthen herself by binding to her interest, the inhabitants of the rich lands of the West. The whole of that vast plain which we now term the valley of the Mississippi, is so remarkably united and disposed by its conformation, the variety of its products, and the facilities for internal commerce, that it seems destined by nature to be comprised within one government. The shores of the Ohio, and those of the Lower Mississippi, are equally important to each other, and neither of these regions could be prosperous without the trade and products of the other. The Spanish authorities in Louisiana were true to their own best interests, when they endeavoured to cultivate friendly relations with a people whose country was thus connected with their own; and the politicians of Kentucky would have been reckless indeed had they spurned without due consideration the advances of those who were their neighbours in point of locality, and with whom alone they seemed likely to hold any direct commercial intercourse.

Kentucky owed nothing to the older states—her sons were bound to the lands from which they had emigrated, only by the ties of consanguinity and affection. They had built up a promising community by individual enterprise—by personal exertion, and sacrifice, and peril—and they had a right, if ever a people had, to choose their own form of government, and seek out alliances for themselves.

The thirteen states had just separated from Great Britain, because the connection was inconvenient and oppressive; and Kentucky might with equal propriety have sepa-

rated from the union, whenever she felt the pressure of the same causes. She had not yet been admitted into the confederacy, and was not bound to it by any obligation of duty or honour.

The Alleghany mountains separated the Western country from the Eastern states, as effectually as the ocean divided Great Britain from her colonies; and it is unjust to infer treason or disaffection, from that solicitude for the welfare of their newly chosen country, on the part of the pioneers, which induced them to discuss frankly the practicability of an harmonious union with states from whom they were thus geographically divided. Previous to their admission into the union, they had a right to consider for themselves, whether such an arrangement would be beneficial to themselves.

The navigation of the Mississippi was indispensable to the existence of the rising state; and if the confederated government could not, or would not, procure from Spain an acknowledgment of the right of the western people to navigate that river, the latter could not be blamed if they listened to proposals on the part of Spain, to themselves directly, on that subject.

These propositions seem to us so clear, that we shall not attempt to argue them. The intelligent reader will be able to draw his own inferences. It must be borne in mind, however, that while we thus defend the motives of the patriot founders of Kentucky, and suggest the grounds upon which we believe they might honorably have engaged in the negotiations that have been attributed to them, we must not be understood as admitting the fact, that any serious design was ever entertained in Kentucky, of separa-

ting from the union, or accepting the protection of Spain. That consultations took place between some of the leading politicians in Kentucky and the Spanish agents, in reference to the commercial relations of Kentucky and Louisiana, is true; but we have no evidence of any intrigue to place the country under the dominion of Spain.

In 1786, General Wilkinson, who had been two or three years settled in Kentucky, began to appear as a conspicuous politician, and was one of those who advocated the erection of an independent government. He was soon pronounced to be a pensioner of Spain, and an agent of that government, but with how much justice, we are not now able to determine. The people either did not believe the report, or considered the offence of no great magnitude, for he was repeatedly elected by them to a seat in their conventions.

In 1788, Mr. Brown, an inhabitant of Kentucky, a personal and political friend of Wilkinson, and a delegate from Virginia to the Congress then sitting at New York, wrote to a friend as follows: "In private conferences which I have had with Mr. Gardoqui, the Spanish minister at this place, I have been assured by him in the most explicit terms, that if Kentucky will declare her independence, and empower some proper person to negotiate with him, he has authority to open the navigation of the Mississippi, for the exportation of their produce on terms of mutual advantage. But that this privilege can never be extended to them while part of the United States, by reason of commercial treaties between that court and other powers of Europe." This letter was addressed to Mr. Muter, one of the judges of Kentucky.

Mr. Innis, the Attorney of the United States, for the

Kentucky district, in a letter to the President, about the same time, used the following language: "I am decidedly of opinion, that this western country will in a few years act for itself, and erect an independent government; for under the present system we cannot exert our strength; neither does Congress seem disposed to protect us."

These indications were succeeded by others which seemed less equivocal, and which afforded much food for suspicion, to such as were disposed to be jealous. General Wilkinson made a voyage to New Orleans, and on his return announced that he had effected a contract with the Governor, by which the exclusive privilege had been granted to him, of exporting the tobacco of Kentucky to that market. The trade in this article, was at that time a monopoly in the hands of the king, and the port was not open for the reception of any produce from the territories of the United States; so that the privilege granted to Wilkinson was one of great favour, and much pecuniary value. He immediately advertised that he would purchase all the tobacco raised in Kentucky; and continued for several years to make large shipments. In the mean while, messengers were passing between himself and the Spanish Governor, and large sums of money were known to be transmitted from New Orleans to Kentucky; events which were explained by Wilkinson, as connected with his extensive tobacco speculation, while they were suspected by the public, to be parts of the machinery of a great political intrigue, deeply involving the peace of the country.

At a later period, a person named Thomas Power, a subject of Spain, and an emissary of the Spanish govern-

ment, visited the western country, and had frequent interviews with Wilkinson, and some other influential gentlemen. A political party seized upon these circumstances, and published them to the world, with the distortions and exaggerations always incident to the malignity of partisan warfare; and for a series of years the public mind was violently agitated by rumours, accusations, and debates, relating to what was termed the *Spanish conspiracy*. The persons chiefly implicated were Wilkinson, Brown, Innis, Sebastian, and Nicholas—men of talents and reputation, all of them high in official stations, and enjoying the confidence both of the government and the people. That gentlemen,—none of whom are represented to have been mercenary or avaricious, but who were men of generous ambition,—who had raised themselves by their own talents, and the voluntary suffrage of their fellow citizens, to the most exalted stations under our form of government, should wish to exchange that government for another under which they could rise no higher, seems improbable; and still more unlikely is it, that men who had been accustomed to mingle all their lives with the people, and who must have been well acquainted with the popular hatred of foreign and monarchical governments, should have imagined such a scheme to be practicable. We cannot believe it, without strong evidence; for it is peculiarly one of those cases in which the burthen of proof should be thrown upon the accusers.

The most suspicious circumstances are those in which Judge Sebastian was implicated, and which led to his impeachment before the legislature of Kentucky. Sebastian was a man of fine talents and prepossessing exterior,

who had been liberally educated abroad, with the intention of taking orders in the Church of England, and was deeply imbued with the scholastic and theological learning which in that age was considered necessary; but changing his mind in reference to the choice of a profession, he studied law in Virginia, and became a highly accomplished member of the bar. He came to Kentucky among the early settlers, soon rose to distinction, and was one of the first to be placed on the bench, upon the organization of courts in that district. A man of graceful manners, and generous hospitality, with the reputation of possessing more than ordinary attainments, he rose to a high place in the public estimation.

At a period when the question in relation to the navigation of the Mississippi had been anxiously discussed—when fruitless negotiations with the court of Spain had been carried on by our government, and appeals and remonstrances equally unsuccessful, had been made to Congress by the people of Kentucky, Judge Sebastian received a letter from Baron Carondelet, Governor of Louisiana, containing propositions on this subject. In that letter, the original of which we have seen, the Spanish Governor addressed Sebastian as a distinguished citizen of Kentucky, and suggests that as their respective governments cannot agree upon terms in regard to this important navigation, a temporary arrangement may be effected between the local authorities at New Orleans, and the people of Kentucky; and proposes a conference for that purpose. Sebastian exhibited this letter to a number of influential gentlemen, who advised him to proceed in the negotiation; and a meeting was accordingly

arranged, to take place at New Madrid, between himself and the representative of Baron Carondelet. The meeting was held accordingly, and a paper, prepared at New Orleans, was tendered to the representative of Kentucky, for his approbation, which contained the following propositions, viz.—1. The Spanish government *grants* to the *western people* the right of navigating the Mississippi, and of exporting *to* any foreign port, and importing *from* any foreign port, through New Orleans, on payment of certain duties. 2d. It will be expected, that in return for this favour on the part of his Catholic Majesty, the western people will, in their future trade, give the preference to New Orleans.

To a part of these terms Judge Sebastian objected. He was willing that his countrymen should pay duty on articles imported through New Orleans, but objected to the payment of any impost upon the produce which might be carried down the river; and as the Spanish negotiator had no authority to yield this point, the scene of these operations was changed to New Orleans, where Sebastian remained several months, and finally succeeded in procuring the terms proposed by himself—namely, the privilege of navigating the Mississippi, and using New Orleans as a place of entry and deposit, without any condition but that of paying duty on imports.

In the meanwhile, the negotiation at New Madrid, and the visit of Sebastian to New Orleans, excited suspicion, and that gentleman was denounced by his political opponents as a traitor, engaged in secret intrigues for bartering away the liberties of his countrymen to the Spanish despot. Great excitement prevailed, and as is usual on

such occasions, the political demagogues who *loved the people*, seized the opportunity to magnify every suspected evil, and to blacken every suspicious act of those who were now boldly termed the *conspirators*. Sebastian said, that although he might gain for his country the advantages so long desired, and which seemed to be all that was wanting to her prosperity, it was possible that his own reputation and interest might be sacrificed. He was a volunteer in a patriotic, though delicate enterprise; he stood alone; the public was not pledged to ratify his deeds, nor was there any party bound to defend him, under any adverse result. These considerations were suggested to the Spanish Governor, who at once saw the injustice of heaping upon one man all the present odium of a transaction which must ultimately be highly advantageous to both governments, but from which he reaped no personal advantage, other than his share of the general good. He therefore addressed a letter to Sebastian, in which he suggested that as the Spanish government anticipated great advantages from the proposed trade with the western people, they were willing to remunerate Mr. Sebastian for his exertions in effecting this beneficial commercial intercourse; and he urges him to continue his voluntary agency, and promises, that if in consequence thereof he should be thrown out of the public station he then held in Kentucky, the king of Spain would grant him a pension.

It happened that very shortly after these events, the purchase of Louisiana by the government of the United States settled the long agitated question in reference to the navigation of the Mississippi, quieted the uneasiness

and irritation of the western people, and rendered nugatory all that had been done by individuals towards the accomplishment of the desired result. But it did not close the eye of suspicion, nor hush the envenomed tongue of calumny. On the contrary, it occurred just in time to deprive those patriotic gentlemen of the only conclusive evidence of the purity of their intentions, and of the precise nature and extent of their negotiations, which would have been shown by the eventual operation of these proceedings. It left unfinished a series of transactions, in which a few public spirited individuals risked their reputations freely, for the delivery of their country from an intolerable grievance, and deprived them of the reward of gratitude and honour that would have attended the successful sequel of their efforts, by effecting the object through other means. It left them exposed, without the means of defence, to a bitter and untiring persecution, urged by partisans animated by the lust of office, and unwarily abetted by a people ever too ready to give volume to the delusive voice of popular clamour, by joining, through mere impulse, in the cry commenced by a designing few. The greatest sufferer was Judge Sebastian, who, shortly after the admission of Kentucky into the union, was impeached upon the charge of being a pensioner of Spain. He asked for time to procure from Louisiana, and from Spain, the evidence of the true nature and extent of his negotiations with the agents of that government, but was refused; and having no other defence, he resigned his office, while a committee of the legislature, proceeding *ex parte*, examined a number of witnesses, and reported unfavourably to the party

charged, who was proved to have received at least one payment from the Spanish government, as a gratuity for his services in the affairs above alluded to.

It is painful to record the tragic sequel of the biography of that unfortunate gentleman. From an enviable elevation in society, he fell suddenly into profound and hopeless degradation. Blessed with high office, popular favour, and easy circumstances, he sunk at once into poverty, oblivion, and contempt. Accused by the legislature, and convicted of having received money from a foreign power, nothing could protect him from the effects of popular resentment—neither his learning, his public services, nor the blameless tenor of his previous career as a public functionary. He fell without a struggle of self-defence, or an effort from the hand of friendship.

In submitting, as he did, to the condemnation of the legislature, and of his fellow citizens, Judge Sebastian intended to defer the hour of explanation, until he could collect the proofs which were necessary to elucidate his whole conduct, the most of which could be obtained only from the Spanish officers with whom he had negotiated, and who had since been removed to different parts of the world. But he was prevented, by domestic afflictions, from pursuing this purpose to any beneficial result. One blow succeeded another, until the degraded politician and broken hearted man, weighed down under an accumulation of griefs, lost the energy necessary to self-defence, and ceased to resist the adverse current of his ill-starred destiny. He lived long in retirement, so lost to the world that few of his fellow citizens knew whether he was living or dead. Yet those who saw him in his se-

clusion, under the pressure of poverty, sorrow, and old age, were surprised at his vigour both of body and mind, the fascination of his conversational powers, and the apparent simplicity and benevolence of his character. Combining the physical hardiness of the pioneer with the manners of a gentleman, and the attainments of a scholar, he was a good specimen of the class to which he belonged, and of whom many yet remain among the grey haired fathers of Kentucky.

The writer has had the opportunity of examining the papers above alluded to, and many others, in the possession of a descendant of Judge Sebastian, and was forcibly struck by a circumstance which seems to have escaped those who condemned him. There is not, throughout the whole of his intercourse with Carondelet, the slightest allusion to any *political* connexion between the people of Kentucky and the Spanish government. The navigation of the Mississippi, the traffic between the upper and lower regions of that river, the exchange of commodities between the people residing on the Ohio, and those in Louisiana, are the sole topics of discussion. The whole transaction was of a commercial nature, and was not founded on any supposed disaffection on the part of the Kentuckians, or with any view to a political alliance with Spain. It has not the slightest connexion with the communication of Gardoqui to Mr. Brown, whose names do not appear to have been alluded to in the correspondence between Carondelet and Sebastian; nor does it appear that Mr. Brown and Judge Sebastian had any intercourse on this subject. It was by combining circumstances which were distinct and inde-

pendent, that suspicion was produced, by giving an appearance of unity and concert to events which were only accidentally coincident.

This whole matter, when dispassionately considered, explains itself clearly to the unprejudiced mind, without subjecting any of the actors to the slightest imputation of criminality. The navigation of the Mississippi was the subject, above all others, of the most direct and vital importance to the western people. Spain, either from want of cordiality towards the United States, or a desire to detach the western settlements, or some entanglement with other European powers, refused to acknowledge our right to navigate that river; and our government pressed it but feebly. The people of Kentucky became alarmed and clamorous. The Spanish minister seized this juncture, to hint to Mr. Brown that the king of Spain was willing to grant to the western people, that which he would never yield to the United States; and Mr. Brown faithfully reports this conversation to a gentleman in Kentucky, high in office, who makes the information public. The discontents of the people increase, and Mr. Innis, the attorney of the United States, writes to the President, that in his opinion, the western country will, in a few years, act for itself—stating, at the same time, the cause which he supposes will produce that result,—“under the present system we cannot exert our strength, neither does Congress seem disposed to protect us.” If these men were *conspirators*, they were the most frank, communicative, and honest men that ever deserved that appellation; if they entertained designs hostile to the honour or the interest of their country, they certainly were singular in

the choice of their confidants—members of Congress and officers of the law themselves, their communications are addressed to the President, to a Judge, and to the people!

It appears further, that while the governments of Spain and the United States found it impracticable to come to any conclusion, in reference to this trade, the leading men of Louisiana and Kentucky became equally convinced that their respective districts must languish without it. Carondelet was a man of enlarged views, and probably represented to his government that the existing policy must prove as fatal to the Spanish colony as to the American settlements; and Spain, while her pride, or her engagements with other nations, would not allow her to recede from the extravagant position she had taken, consented that temporary arrangements should be made by the local government, by which the commerce of the river should be unfettered, while she should not be bound by the compromise, but remain at liberty to resume her pretensions, or to suffer them to lie dormant. The arrangement proposed to be effected, therefore, was not political, but commercial; it did not compromit the government or people of the United States, or violate any existing law or treaty, but referred to the opening of a trade with a neighbouring province, with whom we were at peace, which was desired by our people, and claimed for them by our government. It was obtaining the exercise of rights, without the direct sanction of the Spanish crown, which our government insisted that Spain had no right to withhold. We are not aware of a single act in the whole transaction which involves the slightest imputation upon the patriotism of the gentlemen concerned, unless it be

the receipt of money by Sebastian; and if we are right in supposing that it was simply a commercial operation, affecting only the present pecuniary interests of the people of these districts, we know of no rule of honour or morality under which that individual could be condemned for receiving a compensation for his agency. But even this imputation does not extend to the other gentlemen who have been named, whose motives stand unimpeached, and who were actuated only by a zeal for the public good; and whose names, we are persuaded, will hereafter stand recorded in history, among those which Kentucky will be proud to honour. She has reared many illustrious patriots, but none who have served her more faithfully through a period of extraordinary embarrassment and peril, than Brown, Innis, Nicholas, and Sebastian.

Such is a hasty outline of the affair which was termed the *Spanish conspiracy*; the more audacious attempt of the French directory, shall be noticed still more briefly. In 1793, shortly after the arrival of M. Genet in the United States, as minister from the French republic, a plan was organized by that factious diplomatist, to embroil the western people with the Spaniards; and four emissaries, whose names were Lachaise, Depeau, Mathurin, and Gregnon, were despatched to Kentucky. They were furnished with military commissions, and full powers from the French government, for the purpose of raising an army, with which to invade the Spanish possessions on the Mississippi; a measure, which it was hoped would involve the government of the United States, and force her into a war with Spain. The openness with which these agents proceeded, is quite apparent in the easy impudence

of the following letter from one of them to Governor Shelby, in which the writer's facility in the use of the English language, seems to be about equal to his knowledge of the people.

"*Citizen Governor*,—It may appear quite strange to write to you on a subject in which although it is of some consequence.

"With confidence from the French ambassador, I have been despatched, in company with more Frenchmen, to join the expedition of the Mississippi.

"As I am to procure the provision, I am happy to communicate to you, whatever you shall think worthy of my notice, or in which your advice may be of use to me, as I hope I have in no way disoblige you; if I have, I will most willingly ask your pardon. For nobody can be no more than I am willing for your prosperity and happiness.

"As some strange reports has reached my ears that your excellence has positive orders to arrest all citizens inclining to our assistance, and as my remembrance know by your conduct, in justice you will satisfy me in this uncommon request.

"Please let me know, as I shall not make my supply till your excellence please to honor me with a small answer.

"I am your well-wisher in remaining for the French cause, a true citizen democrat.

"CHARLE DEPEAU.

"*Postscript*.—Please to participate some of these handbills to that noble society of democrats."

A number of persons were induced to engage in this enterprise; a distinguished citizen of Kentucky, received a commission as "Major General in the armies of France, and Commander-in-chief of the French revolutionary legions on the Mississippi," and many preliminary arrangements were made for the anticipated campaign. The government of the United States became apprized of these measures, and promptly interfered. General Wayne, then at the head of the troops west of the Ohio, took measures to observe the motions of the French emissaries and Governor St. Clair issued a proclamation, in which the people of the north-western territory were advised to abstain from any participation in these illegal proceedings.

In glancing hastily at these events, we are cheered with the instructive lesson which they teach. There have been several instances in the history of our country, when disaffection has broken out into murmur and menace; in every instance, men of talent have been found among the ambitious fomenters of discord; but the good sense and integrity of the people, has invariably been found sufficient to protect them from being seduced into rebellion. Of all such events, those to which we have just alluded, afford perhaps the most decided proofs of incorruptible loyalty and patriotism. If ever there was a people, who, in the choice of a government, had a right to act precisely as suited their own convenience, the pioneers were entitled to that privilege. They had conquered a country for themselves. The government did not extend to them either civil protection, military assistance, or pecuniary aid. They are the only first settlers,

who neither violated the rights of the Indian, by taking his land by violence, nor expended money in its purchase. They found it without an owner, overrun by savage hunters and war parties, whose conflicting claims were no better than their own. They purchased it with blood and labour. Years were spent in painful marches, and midnight vigils; in hewing down the gigantic forest, exterminating the wolf and the panther, and in guarding against the wiles of the savage. Through every peril, through all discouragement, they persevered unaided. The government could not aid them; when the settlement of Kentucky commenced, she was herself engaged in the war for independence; at a later period, she had just passed through that contest, and remained an exhausted, breathless victor.

The settlers of Kentucky had not only been unaccustomed to the protection or restraints of government, but there was some reason to believe, that the federal jurisdiction could never be efficiently extended over them. The mountains formed then a line of separation which seemed insurmountable. The hunter crossed them with much toil, and the enterprising trader conducted his train of pack-horses with difficulty and long delay over their steep acclivities; but the idea of a frequent, easy, and cheap method of intercourse, was not entertained nor deemed possible.

Inhabiting a rich country, destined to become populous, and to yield the products of the earth in abundance, they naturally looked around them for a market. The mountains separated them from the marts of their countrymen

on the sea-coast; to the north were the lakes and the possessions of Great Britain; the western frontier was lined with hostile savages, with whom they could not hope to carry on any profitable traffic; to the west, the Spaniards, living under a rigid system of commercial non-intercourse, closed their markets forever against foreigners. The noble river that swept their shores, and seemed destined by Providence as the great highway by which the dwellers in this region should seek the ocean, was shut against them.

The right to navigate the Mississippi, became early a theme of animated discussion in Kentucky, and the subject of urgent remonstrances to the government. The government hesitated and temporized; surrounded with the cares and perils which assailed the infancy of our national institutions, the small still voice from the distant wilderness fell faintly upon the executive ear. When the language of expostulation and defiance became loud, it was drowned in the dissensions of party violence; for by this time, the French revolution had broken out; political divisions had sprung up in our country; two great parties were contending for power; and the complaints of the Kentuckians were attributed to the disorganizing zeal of partisans.

Let it be remembered too, that this was a period peculiarly propitious to the work of revolution. The American colonies had just separated from the mother country; the people were become familiar with the discussion of political rights, and accustomed to think for themselves. That reluctance with which men regard a change of govern-

ment, and which induces them to submit to evils which are known, rather than plunge darkly into such as are unseen, had been dispelled by recent events; there was an excitement in the public mind, an awakened energy in the tone of thought, which had prepared the people for decisive action in any case demanded by their interests, and justified by their notions of moral or political honesty. At such a period, Spain held out a tempting bait to the enterprising settlers of the west. She offered them a free navigation of the Mississippi, and a market at New Orleans, upon the condition of their erecting an independent western republic; but the affections of the western people could not be thus alienated from their own countrymen; they could not be bribed to dissolve their connection with those to whom they were bound by the ties of consanguinity and honour, or to abandon, in its infancy and weakness, a government to which they owed nothing but the voluntary homage of respect and preference.

The offers of the French government were still more alluring. They were invited to invade the Spaniards, against whom they were exasperated by a long continued and unjust denial of their right to the navigation of the Mississippi. The friendship and pecuniary aid of a powerful nation, was tendered to their acceptance. The city of New Orleans, and the fertile province of Louisiana, with its genial climate and varied productions, were within the reach of their grasp. The whole of the broad valley of the west lay before them, with its hundred rivers and its mighty resources; and the glory of building up a new empire in this delightful region, was held up in daz-

zling splendour before their eyes. Still they remained true to their country and their principles. In the retrospect of these affairs, it should not be forgotten, that they succeeded the termination of the revolutionary war. Thousands of soldiers had just been disbanded, and were destitute of employment. A vast number of young gentlemen had entered the revolutionary armies, at an age usually appropriated to the choice of a profession, and the acquirement of the knowledge and habits requisite for civil pursuit; they had spent years in the military profession, imbibed a thirst for fame, and acquired a love for the vicissitudes of war. Their occupation was now gone; they were too old to commence a course of professional study, and they had no tastes which suited them for the quiet pursuits of industry. Many of these gentlemen had emigrated to the west, and others were still unsettled. To such persons, the temptation of military service, the allurements of ambitious prospects, the wide field of enterprise opened in brilliant perspective before them, must have been in the highest degree inviting. But they had the forbearance to resist the dangerous incitement, the patriotism to prefer the peace and honour of their country to their own fame and interest.

When we consider these transactions in connection with others which have subsequently occurred, and pass in sober review the various occasions on which a portion of our people have been goaded into momentary disaffection, by a pressure of affairs which has exasperated their feelings or blighted their interests; when we remark how often our country has been threatened with disunion, and how portentously the storm of discord has lowered, until

it seemed ready to burst upon our heads, and reflect how invariably our fears have proved delusive—how beautifully and tranquilly the clouds of rebellion have passed away, and the sun of peace shone out in quiet glory, we are led to the conclusion, that there are inherent ties of reason and affection entwined in the fabric of our society, which bind it indissolubly together.

CHAPTER III.

Burr's Conspiracy.

In the year 1806, the western country began to be again disturbed by the machinations of political agitators. An event has seldom occurred, so intrinsically insignificant in its result, which has created so great a sensation as the conspiracy of Burr; which, indeed, derives its consequence principally from the celebrity of the names attached to it, and the ignorance of the world as to its final object. Burr was the rival of Hamilton; Hamilton, the friend of Washington—his military aid, his political adviser, his social companion—equally eminent as a soldier, an orator, a writer, a financier, and a lawyer. The man who could make Hamilton experience, or even counterfeit,

“The stern joy that warriors feel,
In foeman worthy of their steel,”

must have stood far above mediocrity. Colonel Burr was the son of a gentleman eminent for his learning and piety, for many years president of the most celebrated college in America; and was himself a man of transcendent genius, and great attainments. He was remarkable for the elegance of his manners, the seductiveness of his address, the power and sweetness of his eloquence; but more so, perhaps, for the boldness and energy of his mind. Burr had contended unsuccessfully

with Jefferson for the presidential chair, which he lost by a single vote ; but while he filled the second place in point of dignity, few at that time would have assigned him an inferior station in point of talents.

The duel between Hamilton and Burr filled the nation with astonishment and grief—grief for the death of a great and useful man, and astonishment at the delusion which occasioned it. Burr, with the corpse of Hamilton at his feet, might have felt the triumph of conquest ; but it was a momentary flush ; the laurels of the hero, watered by the tears of his country, retained their verdure ; and even those who might have rejoiced at his political fall, execrated the destroyer of his existence.

Shortly after this bloody catastrophe, the conduct of Burr began again to excite the attention of the public. He had resigned his former employments, forsaken his usual haunts, and was leading an erratic and mysterious life. He frequently travelled *incognito*, performed long and rapid journeys, and remained but a short time at any one place. This restlessness was attributed to uneasiness of mind, and many began to sympathise with him whom they supposed to be thus tortured with the stings of conscience. But whatever might have been the workings of his mind, he soon evinced that its fire was not quenched, nor its ambition sated. He was now seen traversing the western wilds, eagerly seeking out the distinguished men of that country, particularly those who possessed military experience, or had hearts alive to the stirring impulses of ambition.

These indications were quickly succeeded by others of a more decided character. Secret as his intentions were, the first movement towards their execution awak-

ened suspicion. The assembling of men and collecting munitions of war, roused the government to action. Burr was arrested—his plans defeated, his adherents dispersed, and his reputation blasted. He became an exile and a wanderer; and after years of suffering, returned to his native land, to become an insignificant member of that bar, of which he had been among the highest ornaments—an obscure citizen of that country over whose councils he had presided; and to add another to the list of splendid men, who have been great without benefit to themselves or others, and whose names will be preserved only

“ To point a moral, or adorn a tale.”

He was entirely abandoned. Never was a man more studiously avoided, more unanimously condemned. The voice of eulogy was silent, the breath of party was hushed. Of the many who had admired and loved him, none ventured to express their love or admiration. One fatal act of folly, or of crime, had obscured all the brilliance of a splendid career; and, although acquitted of treason by a court of justice, a higher tribunal, that of public opinion, refused to reverse the sentence which consigned him to disgrace.

Such was the fate of Burr; but his plans are yet enveloped in mystery. A descent upon some part of Spanish America, and the establishment of an independent government, has been stated to have been the object; but it is alleged, that a separation of the western states from the union, formed a part of the project. The latter charge rests almost entirely upon the evidence of Gen-

eral Eaton, a gentleman whose chivalrous disposition led him through many singular adventures, and whose history, as recorded by himself, presents a more favourable picture of his heart and genius than of his judgment. He was a man of warm temperament, who adopted hasty and vivid impressions from the impulse of the moment. From his testimony, I should be inclined to believe, that Colonel Burr had cherished some vague ideas respecting a disjunction of the union; but it does not appear that those speculations were ever matured into any settled plan, or confided to his adherents. I am led to this conclusion, by the characters of Colonel Burr and the gentlemen who were implicated with him in his disastrous expedition. Burr was a man of extended views, a close observer of men and manners; and it is not to be presumed, that he would have lightly embraced a scheme so fraught with treason, madness and folly. He knew the American people well. He had studied them with the eye of a statesman, and with the intense interest of an ambitious political aspirant. His rank in society, his political station, and his extensive practice at the bar, threw open a wide and varied scene to his observation, and exhibited his countrymen to him in a variety of lights and shades.

Nor was Burr the man upon whom such opportunities would be lost. To him, the avenues of the human heart were all familiar, and he could penetrate with ease into its secret recesses. To study man was his delight—to study his countrymen his business. Could he then have been a stranger to their intelligence, their sense of honour, their habits of calculation, and their love for their republican institutions? Could he expect to transform at once,

the habits, feelings, tastes, and morals of a people conspicuous for their courage and political integrity ?—for such are the people of the western states. It has been supposed, and with some plausibility, that his hopes were founded on the dissatisfaction evinced by the western people, at the time of the discussion of our right to navigate the Mississippi. It is true, that the rude and unprovoked violation of our privileges on that river by Spain, excited an universal burst of indignation throughout the union. It is also true, that this feeling was most warmly displayed in the west. In the Atlantic states, the insult was felt as implicating our national honour; in the west, it was a matter of vital importance to all, and of personal interest to every individual, and as such it came *home to men's business and bosoms*. The Mississippi was the natural outlet, and New Orleans the mart for the produce of the west; and when that market, to which they believed they had an indefeasible right of access, was barred to them, it was but the natural and common impulse of the human mind, which induced a people, at all times proud, impetuous, and tenacious, to call for vengeance and redress, with a sternness and impatience commensurate with their injuries. The conciliatory spirit and tardy policy of Mr. Jefferson, neither satisfied their feelings, nor suited their exigencies; and they were willing to impute to tameness in the executive, or to a disregard for their interests, that which might have been the result of national weakness or mistaken policy. Believing themselves to be abandoned by the general government, they felt it a duty to protect their own invaded rights; and if the government had not interposed with effect, they would doubtless have drawn the sword—

against whom? the government? No, but against the common enemy. In this there was no treason nor disaffection—no estrangement from their sister states, no breach of faith with the government, nor violation of the compact. It was saying only to their federal head—“defend us, or we will defend ourselves.”

If Colonel Burr expected to fan these feelings into rebellion, he had either more boldness or less wisdom, than has commonly been placed to his credit; and had he openly avowed this project, he would have called down upon his head the imprecations of a people, who, if they had spared his life, would not have forgiven so foul an insult to their virtue and understanding. But let us ask who were the adherents of Colonel Burr? Who were they who were to share his fortunes, to reap with him the proud laurels of successful valour, or the infamy of foul rebellion? Were they persons of obscure name and desperate fortune, or were they men of good blood and fair fame? These questions are embarrassed with some uncertainty, because most of the gentlemen who have been accused of adhering to Colonel Burr, have denied the fact; and I wish not to assume any thing as a fact, on this delicate subject, which is, or has been controverted. But it is not denied that many “prosperous gentlemen” were engaged in this enterprise; and many others suspected, with a belief so strong as to amount almost to certainty; and among these were men whom the people have since exalted to the most important trusts, and confided in with the most implicit reliance. Among them were men of high standing, who had reputations to be tarnished, fortunes to be lost, and families to be embarrassed; and

many high-souled youths, whose proud aspirings after fame could never have been gratified amid the horrors of a civil war and the guilty scenes of rebellion.

It is argued against these gentlemen, that they have uniformly denied their connexion with Burr, which it is supposed they would not have done had they known his designs to be innocent. But this I do not conceive to be a fair argument. The united voice of the whole nation had declared Burr to be a traitor, and his adherents shared the obloquy which was heaped upon their misguided leader. Even admitting their innocence, or their own belief of it, still it would have been a hopeless task for this handful of men to oppose their feeble asseverations to the "voice potential" of a whole people. Many of them, also, were candidates for office, and they found the avenues to preferment closed by the anathemas pronounced by the people against all who were concerned in what they believed to have been rank conspiracy. They might, therefore, have bent to the current which they could not stem.

Blannerhasset was an Irish gentleman of easy fortune—a man devoted to science, who retired from the world, in the hope of finding happiness in the union of literary and rural occupation. He selected this island as his retreat, and spared no expense in beautifying and improving it. He is described as having been retired in his habits, amiable in his propensities, greatly addicted to chemical studies, and a passionate lover of music. In this romantic spot, and in these innocent pursuits, he lived; and, to crown the enchantment of the scene, a wife, who is said to have been lovely even beyond her sex, and graced with every accomplishment

that could render it irresistible, had blessed him with her love, and made him the father of her children. But Blannerhasset, in an evil hour, became acquainted with Burr; he imbibed the poison of his ambition, became involved in his intrigues, and shared his ruin—a ruin as complete, desolate, and hopeless, as his former state had been serene and bright.

Whatever were Burr's intentions, it is certain that they embraced schemes so alluring, or so magnificent, as to win the credulous Blannerhasset from the abstraction of study and the blandishments of love. This island became the centre of operations. Here arms were deposited and men collected; and here, assembled round their watch-fires, young gentlemen, who "had seen better days," and "sat at good men's feasts," endured all the rigours of the climate and the privations of a campaign, rewarding themselves in anticipation, with the honours of war, and the wealth of Mexico. Burr and Blannerhasset were the master spirits who planned their labours; Mrs. Blannerhasset was the light and life of all their social joys. If treason matured its dark designs in her mansion, here also the song, the dance, and the revel, displayed their fascinations. The order of arrest was the signal of dispersion to this ill-fated band; and it is said, that the lovely mistress of this fairy scene, the Calypso of this enchanted isle, was seen at midnight, "shivering on the winter banks of the Ohio," mingling her tears with its waters, eluding by stratagem the ministers of justice, and destitute of the comforts of life, and the solace of that hospitality which she had once dispensed with such graceful liberality.

I believe it is not doubted, that Burr intended to have attempted the conquest of Mexico. A large portion of the people of that country were supposed to be waiting only for a favourable opportunity to throw off the Spanish yoke. The Americans, as their neighbours, and as republicans, would, it was thought, be received without suspicion; nor would Burr have unfolded his ultimate design, until it should be too late to prevent its accomplishment. He would then have established a monarchy, at the head of which would have been King Aaron the First. I am told, that the young gentlemen who were proceeding to join him, often amused themselves on this subject; talking, half in jest and half in earnest, of the offices and honours which awaited them. Titles and places were already lavishly distributed in anticipation; and Mrs. Blannerhasset, who was an accomplished and sprightly woman, had arranged the dresses and ceremonies of the court. When the alarm was given, and orders were issued for the arrest of Burr and his adherents, they were obliged to resort to a variety of expedients to escape detection. At Fort Massac, and other places, all boats descending the river were compelled to stop and undergo strict examination, to the great vexation of boatmen and peaceable voyagers, who were often obliged to land at unseasonable hours. Very diligent inquiry was made for the lady just mentioned, who several times narrowly escaped detection, through her own ingenuity and that of her companions.

CHAPTER IV.

Character of the Pioneers—Their Adventures—Anecdote of Muldrow—Of Boone—Device of the Indians—Romantic Adventure of two Females.

Passing in rapid review the period over which we have passed, we find that the district of Kentucky was settled by several distinct classes of people, differing much from each other, and each having a marked peculiarity of character. It is from not knowing, or not adverting to this circumstance, that erroneous impressions have been received of the genius and disposition of the western people; to the manners of all of whom, the Kentuckians have given a decided tone.

Those who came first—the Boones, the Kentons, the Whitleys—were rough, uneducated men; the enterprising, fearless, hardy pioneers. They were literally backwoodsmen, who had always resided on the frontiers, forming the connecting link between civilized and savage men; and who did not, in their emigration to the west, form any new acquaintance with the perils of the wilderness. They had been inhabitants of the long line of frontier lying east of the Alleghany mountains; were the descendants of men, whose lives had been spent in fierce contests with the Indians; and were themselves accustomed from infancy, to the vicissitudes of hunting and border warfare. A few of them came from Pennsylvania and Maryland, but the great body from Virginia and North Carolina. Strictly speaking,

they were not farmers; for, although they engaged in agriculture, they depended chiefly on their guns for subsistence; and were allured to the west, rather by the glories of the boundless forest and the abundance of game, than by the fertility of the new lands, and the ample resources of the country. They came singly or in small parties, careless of protection, and fearless of consequences. Their first residence was a *camp*; a frail shelter formed of poles and bark, carefully concealed in some retired spot, in which they hid the spoils of the chase, and to which they sometimes crept for repose at night, or slept away the long inclement days, when the hunter and his prey were alike driven by the storm to seek the shelter of their coverts. At other times, they roamed abroad, either engaged in hunting, or in making long journeys of exploration; sleeping in the open air, and feeding upon the fruits of the forest and the flesh of wild animals, without bread or condiment. Between them and the Indians, there seems to have existed, from the beginning, a mutual dislike and distrust; and except when there happened to be a great superiority of numbers on one side, or a recent provocation, they rather avoided than sought each other. But they seldom met without shedding blood.

The stratagems of this border warfare were ingenious, and often highly amusing. The pioneer, as well as the Indian warrior, felt as much triumph in deceiving his enemy by a successful device, as in conquering him in battle; and usually acquired more lasting fame among his comrades from the former, than from the latter exploit; for in the circumstances under which they were mutually placed, cunning was a more valuable quality

than courage. The bravest man might be overpowered by numbers, or slain by a bullet from the rifle of an unseen foe; but the wily hunter, who was always watchful, self-possessed, and fertile of expedients, seemed to bear a charmed life, and to be proof, as well against secret hostility as open violence. We read, with an admiration bordering upon incredulity, of the adventures of such men as Boone and Kenton—of their fights, their retreats, their captivity, their escapes, their recovery from dreadful wounds, their wanderings without arms and provisions, and their surviving through all, to die of old age in their beds; almost realizing the description of the apostle, “in journeyings often, in perils of waters, in perils of mine own countrymen, in perils by the heathen, in perils in the city, in perils in the wilderness, in perils in the sea, in perils among false brethren; in weariness and painfulness, in watchings often, in hunger and thirst, in fastings often, in cold and nakedness.”

The following anecdote, highly characteristic of the adventurous life of the pioneers, was related to the author while riding over a range of savage precipices called Muldrow's Hill, in the central part of Kentucky, and refers, as he understood, to the Mr. Muldrow, whose name is attached to that desolate wilderness.

Among these rugged and precipitous acclivities I saw a cluster of dilapidated log houses, which, I was informed, had been erected by one of the earliest settlers; and I could not avoid feeling some surprise, that a pioneer should have seated himself on such a barren and inhospitable tract, when all the rich plains and valleys of this delightful country were uninhabited; and

when he might have selected other lands of surpassing fertility and beauty. Yet such a choice was not uncommon; and upon examining the first locations of settlers, in different parts of the western country, we do not find that they always selected the best lands, or the most advantageous situations; and we can only account for the circumstance, by supposing that many of them were persons with whom agriculture was not a primary object, and who sought good hunting grounds rather than a productive soil; or else that they chose positions in reference to security from Indian hostilities. The individual alluded to, settled here at a time when there was not a single white man but himself in this vicinity, and here he had resided, with his wife, for a year, without having seen the face of any other human being. Perhaps, as it was his choice to reside in a wilderness, isolated from his own species, he might have thought it prudent to conceal his place of abode from the Indians, by erecting his cabin in an inhospitable waste, difficult of access, where there were no pastures to invite the deer or buffalo, and no game to allure the savage hunter, and where his family remained secure, while he roved with his gun over some hunting ground at a convenient distance.

After passing a year in this mode of life, he was one day wandering through the woods in search of game, when he heard the barking of a dog, and supposing that an Indian was near, concealed himself. Presently a small dog came running along his track, with his nose to the ground, as if pursuing his footsteps, and had nearly reached his hiding-place, when it stopped, snuffed the air, and uttered a low whine, as if to admonish its mas-

ter, that the object of pursuit was near at hand. In a few minutes the owner of the dog came stepping cautiously along, glancing his eyes jealously around, and uttering low signals to the dog. But the dog stood at fault, and the owner halted, within a few yards of our hunter, and fully exposed to view. The new comer was a tall athletic man, completely armed, with rifle, tomahawk, and knife; but whether he was a white man or an Indian, could not be determined, either by his complexion or dress. He wore a hunting shirt and leggins, of dressed deer skin, and a hat from which the rim was entirely torn away, and the crown elongated into the shape of a sugar loaf. The face, feet, and hands, which were exposed, were of the tawny hue of the savage, but whether the colour was natural, or the effect of exposure, could not be ascertained even by the keen eye of the hunter, and the features were so disguised by dirt and gunpowder, that their expression afforded no clue, by which the question could be decided, whether the individual was a friend or a foe. There was but a moment for deliberation, and after a hasty scrutiny, the pioneer, inclining to the opinion that the stranger was an Indian, cautiously drew up his rifle, and took a deliberate aim; but the bare possibility that he might be pointing his weapon at the bosom of a countryman, induced him to pause. Again he raised his gun, and again hesitated—while his opponent with his rifle half raised towards his face, and his finger on the trigger, looked eagerly around. Both stood motionless and silent—one searching for the object of his pursuit, the other in readiness to fire. At length the hunter, having resolved to delay no longer, cocked his rifle—the *tick* reached the acute

ear of his opponent, who instantly sprung behind a tree—the hunter imitated his example, and they were now fairly opposed, each covered by a tree, from behind which he endeavoured to get a shot at his adversary without exposing his own person. And now a series of stratagems ensued, each seeking to draw the fire of the other—until the stranger, becoming weary of suspense, called out, “Why dont you shoot, you eternal cowardly varment.” “Shoot, yourself, you bloody red-skin,” retorted the other. “No more a red-skin than yourself.” “Are you a white man?” “To-be-sure I am—are you?” “Yes—no mistake in me.” Whereupon each being undeceived, they threw down their guns, rushed together with open arms, and took a hearty hug. The hunter now learned, that the stranger had been settled, with his family, about ten miles from him, for several months past, and that they had often roamed over the same hunting grounds each supposing himself the sole inhabitant of that region. On the following day the hunter saddled his horse, and taking up his good wife behind him, carried her down, to make a call upon her new neighbour, who doubtless received the visit with far more sincere joy than usually attends such ceremonies.

The pioneers were often captured; and while on the march towards the Indian towns, were rescued by their friends, or succeeded in making their escape, although bound and closely watched. Sometimes they were carried to the villages of the captors; endured with heroic calmness all the tortures which savage cruelty could invent; and at last escaped by some ingenious stratagem, or were forcibly rescued, even at the stake, by their

daring comrades. Often did a single individual, escaping from captivity, unarmed and lacerated with wounds and stripes, retreat for hundreds of miles before a pursuing party of enraged savages; foiling their skill by superior ingenuity, or outstripping them in the mere exertion of muscular power. Sometimes they disguised themselves in the skins of wild beasts, to decoy the foe; and in making signals to each other, they imitated the notes of birds and the various cries of the forest. In several instances, the crews of boats descending the Ohio, have been allured to the shore and slain, by Indians crawling on the beach, covered with the skins of bears; and the garrisons of our forts have more than once been deceived by similar devices.

An anecdote is told of Boone, which is highly characteristic of the humour and the coolness of the pioneer. He was once resting in the woods, with a small number of followers, when a large party of Indians came suddenly upon them and halted—neither party having discovered the other until they came in contact. The whites were eating; and the Indians, with the ready tact for which they are famous, sat down with perfect composure and commenced eating also. It was obvious that they wished to lull the suspicions of the white men, and to seize a favourable opportunity for rushing upon them. Boone affected a careless inattention; but in an under tone, quietly admonished his men to keep their hands upon their rifles. He then strolled towards the Indians, unarmed, and leisurely picking the meat from a bone; the Indian leader, who was similarly employed, rose to meet him. Boone saluted him, and then requested to look at the knife with which the Indian was

cutting his meat. The chief handed it to him without hesitation; and our pioneer, who, with his other accomplishments, possessed considerable expertness at sleight of hand, deliberately opened his mouth and affected to swallow the long knife, which, at the same instant, he threw adroitly into his sleeve. The Indians were astonished; Boone gulped, rubbed his throat, stroked his body, and then, with apparent satisfaction, pronounced the horrid mouthful to be *very good*. Having enjoyed the surprise of the spectators for a few moments, he made another contortion, and drawing forth the knife, as they supposed, from his body, civilly returned it to the chief. The latter took the point cautiously between his thumb and finger, as if fearful of being contaminated by touching the weapon, and threw it from him into the bushes. The pioneer sauntered back to his party; and the Indians, instantly despatching their meal, marched off, desiring no farther intercourse with a man who could swallow a scalping-knife.

A singular manœuvre was practised by a party of Indians, who had stolen some horses on Elkhorn, in 1788. They were pursued by a superior number of Americans, for about twenty miles, and overtaken at a spot where they had halted to rest, in a brushy copse of wood. The whites came upon them suddenly, and the parties discovered each other simultaneously. The pursuers made preparations to fire; the Indians sprang up from the ground, on which they were sitting, and gave a yell; but, instead of making any show of resistance, ran about as if distracted. One, who was probably the chief, threw himself between the two parties, and continued to scream and jump, dodging from side to side,

springing aloft, and throwing his body into violent contortions. This strange exhibition, attracted the attention of the Kentuckians, and prevented them from firing; while the other Indians, gathering up their guns and blankets, disappeared—dispersing in various directions, so as to leave no trace, and baffle pursuit. Lastly, the dexterous savage, perceiving that his comrades were so scattered as to be safe from immediate danger, suddenly threw off his feigned character, and dashing into the bushes made his escape, leaving a foe superior in numbers, bewildered with amazement at this extemporaneous display of ingenuity.

The females too, had “their exits and their entrances,” in this bloody drama; and exercised their courage as well as their inventive powers, in the practice of strategy. A party of Indians approached a solitary log house, with the intention of murdering its inmates. With their usual caution, one of their number was sent forward to reconnoitre, who, discovering the only persons within to be a woman, two or three children, and a negro man, rushed in by himself and seized the negro. The woman caught up an axe, and with a single blow laid the savage warrior dead at her feet, while the children closed the door, and with ready sagacity employed themselves in fastening it. The rest of the Indians came up, and attempted to force an entrance; but the negro and the children kept the door closed; and the intrepid mother, having no effective weapon, picked up a gun barrel, which had neither stock nor lock, and pointed it at the savages through the apertures between the logs. The Indians, deceived

by the appearance of a gun, and daunted by the death of their companion, retired.

Another incident which occurred at this early period, is worthy of recital, because it is not only deeply affecting in itself, but is highly illustrative of the sufferings of the first settlers. Among the adventurers, whom Boone describes as having reinforced his little colony, was a young gentleman named Smith, who had been a major in the militia of Virginia, and possessed a full share of the gallantry and noble spirit of his native state. In the absence of Boone, he was chosen, on account of his military rank and talents, to command the rude citadel, which contained all the wealth of this patriarchal band—their wives, their children, and their herds. It held also an object particularly dear to this young soldier—a lady, the daughter of one of the settlers, to whom he had pledged his affections. It came to pass, upon a certain day, when a siege was just over, tranquillity restored, and the employment of husbandry resumed, that this young lady, with a female companion, strolled out, as young ladies in love are very apt to do, along the banks of the Kentucky river. Having rambled about for some time, they espied a canoe lying by the shore, and in a frolic, stepped into it, with the determination of visiting a neighbour on the opposite bank. It seems that they were not so well skilled in navigation as the *Lady of the Lake*, who “paddled her own canoe” very dexterously; for instead of gliding to the point of destination, they were whirled about by the stream, and at length thrown on a sand bar from which they were obliged to wade to the shore. Full of the mirth excited by their wild adventure, they hastily arranged

their dresses, and were proceeding to climb the banks, when three Indians, rushing from a neighbouring covert, seized the fair wanderers, and forced them away. Their savage captors, evincing no sympathy for their distress, nor allowing them time for rest or reflection, hurried them along during the whole day, by rugged and thorny paths. Their shoes were worn off by the rocks, their clothes torn, and their feet and limbs lacerated and stained with blood. To heighten their misery, one of the savages began to make love to Miss —, (the *intended* of Major S.) and while goading her along with a pointed stick, promised, in recompense for her sufferings, to make her *his squaw*. This at once roused all the energies of her mind, and called its powers into action. In the hope that her friends would soon pursue them, she broke the twigs as she passed along, and delayed the party as much as possible by tardy and blundering steps. But why dwell on the heartless and unmanly cruelty of these savages? The day and the night passed, and another day of agony had nearly rolled over the heads of these afflicted females, when their conductors halted to cook a wild repast of buffalo meat.

The ladies were soon missed from the garrison. The natural courage and sagacity of Smith, now heightened by love, gave him the wings of the wind and the fierceness of the tiger. The light traces of female feet led him to the place of embarkation—the canoe was traced to the opposite shore—the deep print of the moccason in the sand, told the rest; and the agonized Smith, accompanied by a few of his best woodsmen, pursued “the spoil encumbered foe.” The track once discovered, they kept it

with that unerring sagacity so peculiar to our hunters. The bended grass, the disentangled briers, and the compressed shrub, afforded the only, but to them the certain indications of the route of the enemy. When they had sufficiently ascertained the general course of the retreat of the Indians, Smith quitted the trace, assuring his companions that they would fall in with them at the pass of a certain stream ahead, for which he now struck a direct course, thus gaining on the foe, who had taken the most difficult paths. Arrived at the stream, they traced its course until they discovered the water newly thrown upon the rocks. Smith, leaving his party, now crept forward upon his hands and feet, until he discovered one of the savages seated by a fire, and with a deliberate aim shot him through the heart. The women rushed towards their deliverer, and recognising Smith, clung to him in the transports of newly awakened joy and gratitude, while a second Indian sprang towards him with his tomahawk. Smith, disengaging himself from the ladies, aimed a blow at his antagonist with his rifle, which the savage avoided by springing aside, but at the same moment, the latter received a mortal wound from another hand. The other and only remaining Indian, fell in attempting to escape. Smith, with his interesting charge, returned in triumph to the fort, where his gallantry, no doubt, was repaid by the sweetest of all rewards.

CHAPTER V.

Character of the Pioneers—Their Mode of Living—Introduction of Steamboats—Its effect on the Manners of the People.

Among the pioneers were many substantial farmers—a class that differed from that of which we have spoken, only in being more industrious and provident. They were of the same stock; equally accustomed to the rude scenes of border life, brothers of the same family; but like Jacob and Esau, one was devoted to the vicissitudes of sylvan sport, the other to the sober employments of domestic industry. They came together to the wilderness, the one to possess the soil, the other to wander through the forest in search of game. Alike in appearance and manners, and each occasionally adopting the character of the other, a stranger would have been unable to recognise any distinction between them; but in a few years, the hunter moved forward to a more newly discovered country, while the farmer remained to clear away the forest and raise abundant crops upon its virgin soil. In a few years more, the farmer attests the force of nature and the purity of his descent, by sighing for newer lands; and selling his farm to a later emigrant, he takes his flocks and herds, his children and servants, and follows the hunter to the farther wilderness. The reader, however, is not to suppose that either of these classes are always in

motion. They remain for years in one spot, forming the mass of the settled population, and giving a tone to the institutions of the country; and at each remove, a few are left behind, who cling permanently to the soil, and bequeath their landed possessions to their posterity.

The pioneers brought little other property, than such as they could pack upon the backs of horses. A few implements of husbandry, and such cooking utensils as were indispensable; the rifle, the axe, and a few mechanics' tools; with some horses, cattle, and hogs, constituted the wealth of the emigrant. Their first abode, as we have already stated, was in *camps* and *stations*; but their permanent habitation was the primitive log cabin, still so common throughout the whole western country; and those who have never witnessed the erection of such buildings, would be surprised to behold the simplicity of their mechanism, and the rapidity with which they are put together. The axe and the auger, are often the only tools used in their construction; but usually the frow, the drawing-knife, the broad-axe, and the cross-cut saw, are added. The architecture of the body of the house, is sufficiently obvious; but it is curious to notice the ingenuity with which the wooden fireplace and chimney are protected from the action of the fire by a lining of clay; to see a smooth floor formed of the plain surfaces of hewed logs, and a door made of boards split from the log, hastily smoothed with the drawing-knife, united firmly together with wooden pins, hung upon wooden hinges, and fastened with a wooden latch. Not a nail, nor any particle of metal, enters into the composition of the building—all is wood from top to bottom; all is done by the woodsman, without the aid of any

mechanic. These primitive dwellings are by no means so wretched as their name and their rude workmanship would seem to imply. They still constitute the usual dwelling of the farmers in new settlements; and I have often found them roomy, tight, and comfortable. If one cabin is not sufficient, another, and another, is added, until the whole family is accommodated; and thus the homestead of a respectable farmer often resembles a little village.

The dexterity of the backwoodsman in the use of the axe, is also remarkable; yet it ceases to be so regarded, when we reflect on the variety of uses to which this implement is applied, and that it in fact enters into almost all the occupations of the pioneer. In clearing lands, building houses, making fences, providing fuel, the axe is used; in tilling his fields, the farmer is continually interrupted to cut away the trees that have fallen in his enclosures and the roots that impede his plough; the path of the surveyor is cleared by the axe, and his lines and corners marked by this implement; roads are opened and bridges made with the axe; the first court-houses and jails, are fashioned of logs, with the same tool; in labour or hunting, in travelling by land or water, the axe is ever the companion of the backwoodsman.

With the first emigration, there are no mechanics; and for many years after, but few are found in the new settlements. The farmer, therefore, makes almost every thing that he uses. Besides clearing land, building houses, and making fences, he stocks his own plough, mends his wagon, makes his ox-yokes and harness, and learns to supply nearly all his wants from the forest. The tables,

bedsteads, and seats in his house, are of his own rude workmanship. At first, the dressed skins of wild animals furnish the materials for making moccasins; but the farmers soon begin to tan their own leather and make their own shoes; and there are thousands scattered over the west, who continue, to this day, to make all the shoes that are worn in their families. They universally raise cotton, and often cultivate, also hemp, and flax; the spinning-wheel and the loom, are common articles of furniture; and the whole farming and hunting population, are clad in fabrics of household manufacture. The traveller, accustomed to different modes of life, is struck with the crude and uncomfortable appearance of every thing about this people—the rudeness of their habitations, the carelessness of their agriculture, the unsightly coarseness of all their implements and furniture, the unambitious homeliness of all their goods and chattels, except the axe, the rifle, and the horse—these being invariably, the best and handsomest which their means enable them to procure. But he is mistaken in supposing them to be indolent and improvident; and is little aware how much ingenuity and toil have been exerted in procuring the few comforts which they possess, in a country without arts, mechanics, money, or commercial intercourse.

The backwoodsman has many substantial enjoyments. After the fatigue of his journey, and a short season of privation and danger, he finds himself surrounded with plenty. His cattle, hogs, and poultry, supply his table with meat; the forest abounds in game; the fertile soil yields abundant crops; he has, of course, bread, milk, and butter; the rivers furnish fish, and the

woods honey. For these various articles, there is, at first, no market, and the farmer acquires the generous habit of spreading them profusely on his table, and giving them freely to a hungry traveller and an indigent neighbour.

Hospitality and kindness are among the virtues of the first settlers. Exposed to common dangers and toils, they become united by the closest ties of social intercourse. Accustomed to arm in each other's defence, to aid in each other's labour, to assist in the affectionate duty of nursing the sick, and the mournful office of burying the dead, the best affections of the heart are kept in constant exercise; and there is, perhaps, no class of men in our country, who obey the calls of friendship, or the claims of benevolence, with such cheerful promptness, or with so liberal a sacrifice of personal convenience.

We read marvellous stories of the ferocity of western men. The name of Kentuckian is continually associated with the idea of fighting, dirking, and gouging. The people of whom we are now writing, do not deserve this character. They live together in great harmony, with little contention and less litigation. The backwoodsmen are a generous and placable race. They are bold and impetuous; and when differences do arise among them, they are more apt to give vent to their resentment at once, than to brood over their wrongs, or to seek legal redress. But this conduct is productive of harmony; for men are always more guarded in their deportment to each other, and more cautious of giving offence, when they know that the insult will be quickly felt, and instantly resented, than when the consequences

of an offensive action are doubtful, and the retaliation distant. We have no evidence that the pioneers of Kentucky were quarrelsome or cruel; and an intimate acquaintance with the same race, at a later period, has led the writer to the conclusion, that they are a humane people; bold and daring, when opposed to an enemy, but amiable in their intercourse with each other and with strangers, and habitually inclined to peace. Another generation has grown up, the sons of the pioneers, and the offspring of persons of wealth, many of whom have been suffered to reach the years of manhood with defective educations, and without having been trained to any regular employment, and among whom, as might be expected, are found idle, dissipated, and violent men—the gambler, the bully, and the duellist. The want of schools, the ease with which a livelihood was earned, and the rapidity with which fortunes were made, some years ago, induced a degree of improvidence in the rearing of youth; and the number of those who grew up without any regular training, or any settled purpose, was greater than is common in other parts of our continent. The effect upon the manners of the population, is too obvious to need explication. But the character for brutal violence and audacious blasphemy, has been affixed to the people of this region, chiefly through the means of the boatmen and desperadoes, who formerly infested our rivers, and kept the inhabitants of their shores in constant terror.

Before the introduction of steamboats upon this river, its immense commerce was chiefly carried on by means of keel-boats, or of *barges*—large boats, calculated to descend as well as to ascend the stream, and which re-

quired many hands to navigate them. Each barge carried from thirty to forty boatmen, and a number of these boats frequently sailed in company. The arrival of such a squadron at a small town, was the certain forerunner of a riot. The boatmen, proverbially lawless and dissolute, were often more numerous than the citizens, and indulged, without restraint, in every species of debauchery, outrage, and mischief. Wherever vice exists, will be found many to abet and to take advantage of its excesses; and these towns were filled with the wretched ministers of crime. Sometimes, the citizens, roused to indignation, attempted to enforce the laws; but the attempt was regarded as a declaration of war, which arrayed the offenders and their allies in hostility; the inhabitants were obliged to unite in the defence of each other; and the contest usually terminated in the success of that party which had least to lose, and were most prodigal of life, and careless of consequences. The rapid emigration to this country was beginning to afford these towns such an increase of population as would have insured their ascendancy over the despots of the river, when the introduction of steamboats at once effected a revolution.

The substitution of machinery for manual labour, occasioned a vast diminution in the number of men required for the river navigation. A steamboat, with the same crew as a barge, will carry ten times the burthen, and perform her voyage in a fifth part of the time required by the latter. The bargemen infested the whole country, by stopping frequently, and often spending their nights on shore; while the steamboats pass rapidly from one large port to another, making no halt,

but to receive or discharge merchandise at intermediate places. The commanders of steamboats are men of character; property to an immense amount is entrusted to their care; their responsibility is great; and they are careful of their own deportment, and of the conduct of those under their control. The number of boatmen is, therefore, not only greatly reduced, in proportion to the amount of trade, but a sort of discipline is maintained among them, while the increase of population has enabled the towns to enforce the regulations of their police.

CHAPTER VI.

Indian hating.—Some of the sources of this animosity.—Brief Account of Col. Moredock.

The violent animosity which exists between the people of our frontier and the Indians, has long been a subject of remark. In the early periods of the history of our country, it was easily accounted for, on the ground of mutual aggression. The whites were continually encroaching upon the aborigines, and the latter avenging their wrongs by violent and sudden hostilities. The philanthropist is surprised, however, that such feelings should prevail now, when these atrocious wars have ceased, and when no immediate cause of enmity remains; at least upon our side. Yet the fact is, that the dweller upon the frontier continues to regard the Indian with a degree of terror and hatred, similar to that which he feels towards the rattlesnake or panther, and which can neither be removed by argument, nor appeased by any thing but the destruction of its object.

In order to understand the cause and the operation of these feelings, it is necessary to recollect that the backwoodsmen are a peculiar race. We allude to the pioneers, who, keeping continually in the advance of civilization, precede the denser population of our country in its progress westward, and live always upon the frontier. They are the descendants of a people whose habits were identically the same as their own. Their fathers were

pioneers. A passion for hunting, and a love for sylvan sports, have induced them to recede continually before the tide of emigration, and have kept them a separate people, whose habits, prejudices, and modes of life have been transmitted from father to son with but little change. From generation to generation they have lived in contact with the Indians. The ancestor met the red men in battle upon the shores of the Atlantic, and his descendants have pursued the footsteps of the retreating tribes, from year to year, throughout a whole century, and from the eastern limits of our great continent to the wide prairies of the west.

America was settled in an age when certain rights, called those of *discovery* and *conquest*, were universally acknowledged; and when the possession of a country was readily conceded to the strongest. When more accurate notions of moral right began, with the spread of knowledge, and the dissemination of religious truth, to prevail in public opinion, and regulate the public acts of our government, the pioneers were but slightly affected by the wholesome contagion of such opinions. Novel precepts in morals were not apt to reach men who mingled so little with society in its more refined state, and who shunned the restraints, while they despised the luxuries of social life.

The pioneers, who thus dwelt ever upon the borders of the Indian hunting grounds, forming a barrier between savage and civilized men, have received but few accessions to their numbers by emigration. The great tide of emigration, as it rolls forward, beats upon them and rolls them onward, without either swallowing them up in its mass, or mingling its elements with theirs.

They accumulate by natural increase; a few of them return occasionally to the bosom of society, but the great mass moves on.

It is not from a desire of conquest, or thirst of blood, or with any premeditated hostility against the savage, that the pioneer continues to follow him from forest to forest, ever disputing with him the right to the soil, and the privilege of hunting game. It is simply because he shuns a crowded population, delights to rove uncontrolled in the woods, and does not believe that an Indian, or any other man has a right to monopolize the hunting grounds, which he considers free to all. When the Indian disputes the propriety of this invasion upon his ancient heritage, the white man feels himself injured, and stands, as the southern folks say, upon his reserved rights.

The history of the borders of England and Scotland, and of all dwellers upon frontiers, who come often into hostile collision, shows, that between such parties an intense hatred is created. It is national antipathy, with the addition of private feud and personal injury. The warfare is carried on by a few individuals, who become known to each other, and a few prominent actors on each side soon become distinguished for their prowess or ferocity. When a state of public war ostensibly ceases, acts of violence continue to be perpetrated from motives of mere mischief, or for pillage or revenge.

Our pioneers have, as we have said, been born and reared on the frontier, and have, from generation to generation, by successive removals, remained in the same relative situation in respect to the Indians and to our own government. Every child thus reared, learns to

hate an Indian, because he always hears him spoken of as an enemy. From the cradle, he listens continually to horrid tales of savage violence, and becomes familiar with narratives of aboriginal cunning and ferocity. Every family can number some of its members or relatives among the victims of a midnight massacre, or can tell of some acquaintance who has suffered a dreadful death at the stake. Traditions of horses stolen, and cattle driven off, and cabins burned, are numberless; are told with great minuteness, and listened to with intense interest. With persons thus reared, hatred towards an Indian becomes a part of their nature, and revenge an instinctive principle. Nor does the evil end here. Although the backwoodsmen, properly so called, retire before that tide of emigration which forms the more stationary population, and eventually fills the country with inhabitants, they usually remain for a time in contact with the first of those who, eventually, succeed them, and impress their own sentiments upon the latter. In the formation of each of the western territories and states, the backwoodsmen have, for a while, formed the majority of the population, and given the tone to public opinion.

If we attempt to reason on this subject, we must reason with a due regard to facts, and to the known principles of human nature. Is it to be wondered at, that a man should fear and detest an Indian, who has been always accustomed to hear him described only as a midnight prowler, watching to murder the mother as she bends over her helpless children, and tearing, with hellish malignity, the babe from the maternal breast? Is it strange, that he whose mother has fallen under the sa-

vage tomahawk, or whose father has died a lingering death at the stake, surrounded by yelling fiends in human shape, should indulge the passion of revenge towards the perpetrators of such atrocities? They know the story only as it was told to them. They have only heard one side, and that with all the exaggerations of fear, sorrow, indignation and resentment. They have heard it from the tongue of a father, or from the lips of a mother, or a sister, accompanied with all the particularity which the tale could receive from the vivid impressions of an eye-witness, and with all the eloquence of deeply awakened feeling. They have heard it perhaps at a time when the war-whoop still sounded in the distance, when the rifle still was kept in preparation, and the cabin door was carefully secured with each returning night.

Such are some of the feelings, and of the facts, which operate upon the inhabitants of our frontiers. The impressions which we have described are handed down from generation to generation, and remain in full force long after all danger from the savages has ceased, and all intercourse with them been discontinued.

Besides that general antipathy which pervades the whole community under such circumstances, there have been many instances of individuals who, in consequence of some personal wrong, have vowed eternal hatred to the whole Indian race, and have devoted nearly all of their lives to the fulfilment of a vast scheme of vengeance. A familiar instance is before us in the life of a gentleman, who was known to the writer of this article, and whose history we have often heard repeated by those who were intimately conversant with all the events.

We allude to the late Colonel John Moredock, who was a member of the territorial legislature of Illinois, a distinguished militia officer, and a man universally known and respected by the early settlers of that region. We are surprised that the writer of a sketch of the early history of Illinois, which we published some months ago, should have omitted the name of this gentleman, and some others, who were famed for deeds of hardihood, while he has dwelt upon the actions of persons who were comparatively insignificant.

John Moredock was the son of a woman who was married several times, and was as often widowed by the tomahawk of the savage. Her husbands had been pioneers, and with them she had wandered from one territory to another, living always on the frontier. She was at last left a widow, at Vincennes, with a large family of children, and was induced to join a party about to remove to Illinois, to which region a few American families had then recently removed. On the eastern side of Illinois there were no settlements of whites; on the shore of the Mississippi a few spots were occupied by the French; and it was now that our own backwoodsmen began to turn their eyes to this delightful country, and determined to settle in the vicinity of the French villages. Mrs. Moredock and her friends embarked at Vincennes in boats, with the intention of descending the Wabash and Ohio rivers, and ascending the Mississippi. They proceeded in safety until they reached the Grand Tower on the Mississippi, where, owing to the difficulty of the navigation for ascending boats, it became necessary for the boatmen to land, and drag their vessels round a rocky point, which was swept by a violent cur-

rent. Here a party of Indians, lying in wait, rushed upon them, and murdered the whole party. Mrs. Moredock was among the victims, and *all* her children, except John, who was proceeding with another party.

John Moredock was just entering upon the years of manhood, when he was thus left in a strange land, the sole survivor of his race. He resolved upon executing vengeance, and immediately took measures to discover the actual perpetrators of the massacre. It was ascertained that the outrage was committed by a party of twenty or thirty Indians, belonging to different tribes, who had formed themselves into a lawless predatory band. Moredock watched the motions of this band for more than a year, before an opportunity suitable for his purpose occurred. At length he learned, that they were hunting on the Missouri side of the river, nearly opposite to the recent settlements of the Americans. He raised a party of young men and pursued them; but that time they escaped. Shortly after, he sought them at the head of another party, and had the good fortune to discover them one evening, on an island, whither they had retired to encamp the more securely for the night. Moredock and his friends, about equal in numbers to the Indians, waited until the dead of night, and then landed upon the island, turning adrift their own canoes and those of the enemy, and determined to sacrifice their own lives, or to exterminate the savage band. They were completely successful. Three only of the Indians escaped, by throwing themselves into the river; the rest were slain, while the whites lost not a man.

But Moredock was not satisfied while one of the murderers of his mother remained. He had learned to re-

cognise the names and persons of the three that had escaped, and these he pursued with secret, but untiring diligence, until they all fell by his own hand. Nor was he yet satisfied. He had now become a hunter and a warrior. He was a square-built, muscular man, of remarkable strength and activity. In athletic sports he had few equals; few men would willingly have encountered him in single combat. He was a man of determined courage, and great coolness and steadiness of purpose. He was expert in the use of the rifle and other weapons; and was complete master of those wonderful and numberless expedients by which the woodsman subsists in the forest, pursues the footsteps of an enemy with unerring sagacity, or conceals himself and his design from the discovery of a watchful foe. He had resolved never to spare an Indian, and though he made no boast of this determination, and seldom avowed it, it became the ruling passion of his life. He thought it praiseworthy to kill an Indian; and would roam through the forest silently and alone, for days and weeks, with this single purpose. A solitary red man, who was so unfortunate as to meet him in the woods, was sure to become his victim; if he encountered a party of the enemy, he would either secretly pursue their footsteps until an opportunity for striking a blow occurred, or, if discovered, would elude them by his superior skill. He died about four years ago, an old man, and it is supposed never in his life failed to embrace an opportunity to kill a savage.

The reader must not infer, from this description, that Colonel Moredock was unsocial, ferocious, or by nature cruel. On the contrary, he was a man of warm feel-

ings, and excellent disposition. At home he was like other men, conducting a large farm with industry and success, and gaining the good will of all his neighbours by his popular manners and benevolent deportment. He was cheerful, convivial, and hospitable; and no man in the territory was more generally known, or more universally respected. He was an officer in the ranging service during the war of 1813-14, and acquitted himself with credit; and was afterwards elected to the command of the militia of his county, at a time when such an office was honourable, because it imposed responsibility, and required the exertion of military skill. Colonel Moredock was a member of the legislative council of the territory of Illinois, and at the formation of the state government, was spoken of as a candidate for the office of governor, but refused to permit his name to be used.

• There are many cases to be found on the frontier, parallel to that just stated, in which individuals have persevered through life, in the indulgence of a resentment founded either on a personal wrong suffered by the party, or a hatred inherited through successive generations, and perhaps more frequently on a combination of these causes. In a fiction, written by the author, and founded on some of these facts, he has endeavoured to develope and illustrate this feeling through its various details.

CHAPTER VII.

Character of the Pioneers—Felons—the Harpes—Meason—
Sturdevant—Lynch's Law.

As the western country became better known, report spoke goldenly of its fertility; and a casual reference to the map, was sufficient to show the great commercial advantages to be derived from the numerous and valuable streams which intersect it in every direction; but there were many obstacles to its settlement. From a period shortly after the revolution, to the time of the embargo, in 1807, there was no reason to induce any class of citizens in the United States to emigrate; all were fully and profitably employed at home. The sanguinary wars, which spread desolation throughout the European continent, not only opened markets for all our surplus produce, but made us the carriers of other nations. Never did American enterprise shine more conspicuously, than in the improvement of these advantages; the art of ship-building was brought to a perfection unknown in any other country; our flag floated in every part of the world; there was no adventure, however novel or hazardous, which our merchants did not attempt; and our sailors displayed, on every occasion, the skill and boldness which has since made them conspicuous in the annals of naval warfare. Happily, too, those enterprises were generally successful. The consequence was, that every man engaged in commercial

pursuits found sufficient employment for his capital, while the labouring classes received high wages, and the farmer had always a ready market, and an ample price for his produce. This flourishing state of commerce and agriculture diffused life and spirit into every rank and department of society. There was scarcely such a thing known, as a man labouring merely to *support his family*; no one was satisfied unless he was growing rich, and few were disappointed, except by their own improvidence. It would be useless to point out the great statesmen and lawyers, who have attained their present eminence from an obscure origin; or the wealthy merchants, farmers, and mechanics, who, from the most abject poverty, have risen to opulence. Our country is full of such examples; and they stand as monuments of those happy days, when industry was not only a sure but a rapid guide to wealth.

Under such circumstances, few persons were disposed to emigrate to a new country; and, although some were tempted by the great prospects of gain, which the fertile regions in the west were said to offer, many were discouraged by the unsettled state of the country, its reputed unhealthiness, and the vicinity of the Indian tribes.

To Europeans, this part of America offered no attractions; it was too remote, too insulated, too barbarous, and too entirely uncongenial with all their habits, tastes, and feelings.

The first settlers of this country, therefore, were men whose object was not gain, but who appeared to have been allured by the very difficulties which discouraged others. They were hardy, enterprising men, fond of

change, and familiar with fatigue, who seem to have thought with Fitz James—

“ If a path be dangerous known,
The danger's self is lure alone.”

The manners and institutions of a new people are always curious—presenting the naked outlines of character, the first rudiments of civilization, and all the simple elements of society. In New England, the *fathers* contended successfully with the savage and the climate; they made laws, burned witches, prohibited kissing, and knocked their beer-barrels on the head for *working* on the Sabbath. They had many simple fashions and queer ways, which have vanished with their witches and their blue-laws. They were not so military in their habits, as their prototypes in the west; because, though equally brave and enterprising, they were more industrious, more frugal, and less mercurial in their temperament. Religion was with them a powerful spring of action, and discouraged all wars except those of self-defence. The social and moral virtues, the sciences and arts, were cherished and respected; and there were many roads to office and to eminence, which were safer and more certain, and not less honourable, than the bloody path of warlike achievement.

Kentucky was settled at a period when religious fanaticism had vanished, and when the principles of the revolution, then in full operation, had engendered liberal and original modes of thinking—when every man was a politician, a soldier, and a patriot, ready to make war or to make laws, to put his hand to the plough or to the

helm of state, as circumstances might require. They went to a wilderness, with all these new notions in their heads, full of ardour and full of projects, determined to add a new state to the family of republics, at all hazards. The rifle and the axe were incessantly employed. The savage was to be expelled: the panther, the wolf, and the bear, to be exterminated; the forest to be razed; houses to be built; and when all this was accomplished, their labours were but commenced.

A frontier is often the retreat of loose individuals, who, if not familiar with crime, have very blunt perceptions of virtue. The genuine woodsman, the real pioneer, are independent, brave, and upright; but as the jackal pursues the lion to devour his leavings, the footsteps of the sturdy hunter are closely pursued by miscreants destitute of his noble qualities. These are the poorest and idlest of the human race, averse to labour, and impatient of the restraints of law and the courtesies of civilized society. Without the ardour, the activity, the love of sport, and patience of fatigue, which distinguish the bold back-woodsman, these are doomed to the forest by sheer laziness, and hunt for a bare subsistence; they are the "cankers of a calm world and a long peace," the helpless *nobodies*, who, in a country where none starve and few beg, sleep until hunger pinches, then stroll into the woods for a meal, and return again to their slumbers.

A still worse class also infested our borders—desperadoes flying from justice, suspected or convicted felons escaped from the grasp of the law, who sought safety in the depth of the forest, or in the infancy of civil regulations. The horse-thief, the counterfeiter, and the robber,

found here a secure retreat, or a new theatre for the perpetration of crime.

We have spoken, in another work, of two brothers named Harpe, who appeared in Kentucky about the year 1793, spreading death and terror wherever they went. Little else was known of them, but that they passed for brothers, and came from the borders of Virginia. They had three women with them, who were treated as their wives, and several children, with whom they traversed the mountainous and thinly settled parts of Virginia into Kentucky, marking their course with blood. Their history is wonderful, as well from the number and variety, as the incredible atrocity of their adventures.

Passing rapidly through the better settled parts of Kentucky, they proceeded to the country south of Green river, which at that time was just beginning to be inhabited.

Here they soon acquired a dreadful celebrity. Neither avarice, want, nor any of the usual inducements to the commission of crime, seemed to govern their conduct. A savage thirst for blood—a deep rooted malignity against human nature, could alone be discovered in their actions. They murdered every defenceless being that fell in their way, without distinction of age, sex, or colour. In the night, they stole secretly to the cabin, slaughtered its inhabitants, and burned their dwelling—while the farmer who left his house by day, returned to witness the dying agonies of his wife and children, and the conflagration of his possessions. Plunder was not their object; travellers they robbed and murdered, but from the inhabitants they took only what would have been freely given to them, and no more than was imme-

diately necessary to supply the wants of nature; they destroyed without having suffered injury, and without the prospect of gain. A negro boy, riding to a mill with a bag of corn, was seized by them, and his brains dashed out against a tree; but the horse which he rode, and the grain, were left unmolested. Females, children, and servants, no longer dared to stir abroad; unarmed men feared to encounter a Harpe; and the solitary hunter, as he trod the forest, looked around him with a watchful eye, and when he saw a stranger, picked his flint and stood on the defensive.

It seems incredible, that such atrocities could have been often repeated in a country famed for the hardihood and gallantry of its people; in Kentucky, the cradle of courage and the nurse of warriors. But that part of Kentucky, which was the scene of these barbarities, was then almost a wilderness, and the vigilance of the Harpes for a time insured impunity. The spoils of their dreadful warfare, furnished them with the means of violence and of escape. Mounted on fine horses, they plunged into the forest, eluded pursuit by frequently changing their course, and appeared, unexpectedly, to perpetrate new enormities, at points distant from those where they were supposed to lurk. On these occasions, they often left their wives and children behind them; and it is a fact honourable to the community, that vengeance for these bloody deeds, was not wreaked on the helpless companions of the perpetrators.

A person named Meason, was also conspicuous in the early history of this region, as an audacious depredator. At that period, vast regions along the shores of the Ohio and Mississippi were still unsettled, through which, boats

navigating those rivers, must necessarily pass; and the traders, who, after selling their produce at New Orleans, attempted to return by land, had to cross immense tracts of country totally destitute of inhabitants. Meason, who was a man above the ordinary stamp, in talents, manners, and stature, was both a land and a water-pirate, infesting the rivers and the woods, seldom committing murder, but robbing all who fell in his way. Sometimes he plundered the descending boats; but more frequently he allowed these to pass, preferring to plunder the owners of their money as they returned; and pleasantly remarking, that "these people were taking produce to market for him."

At a later period, the celebrated counterfeiter, Sturdevant, fixed his residence on the shore of the Ohio, in Illinois; and for several years set the laws at defiance. He was a man of talent and address. He was possessed of much mechanical genius, was an expert artist, and was skilled in some of the sciences. As an engraver, he was said to have few superiors; and he excelled in some other branches of art. For several years, he resided at a secluded spot in Illinois, where all his immediate neighbours were his confederates, or persons whose friendship he had conciliated. He could, at any time, by the blowing of a horn, summon from fifty to a hundred armed men to his defence; while the few quiet farmers around, who lived near enough to get their feelings enlisted, and who were really not at all implicated in his crimes, rejoiced in the impunity with which he practised his schemes. He was a grave, quiet, inoffensive man in his manners, who commanded the obedience of his comrades and the respect of his neighbours. He had a very excellent farm;

his house was one of the best in the country; his domestic arrangements were liberal and well ordered. Yet this man was the most notorious counterfeiter that ever infested our country, and carried on his nefarious art to an extent which no other person has ever attempted. His confederates were scattered over the whole western country, receiving through regular channels of intercourse, their supplies of counterfeit bank notes, for which they paid him a stipulated price—sixteen dollars in cash for a hundred dollars in counterfeit bills. His security arose, partly from his caution in not allowing his subordinates to pass a counterfeit bill, or do any other unlawful act in the state in which he lived, and in his obliging them to be especially careful of their deportment in the *county* of his residence; measures which effectually protected him from the civil authority; for although all the counterfeit bank notes, with which a vast region was inundated, were made in his house, that fact could never be proved by legal evidence. But he secured himself further, by having a band of his lawless dependents settled around him, who were ready at all times to fight in his defence; and by his conciliatory conduct, which prevented his having any violent enemies, and even enlisted the sympathies of many reputable people in his favour. But he became a great nuisance, from the immense quantity of spurious paper which he threw into circulation; and although he never committed any acts of violence himself, and is not known to have sanctioned any, the unprincipled felons by whom he was surrounded, were guilty of many acts of desperate atrocity; and Sturdevant, though he escaped the arm of the law, was at last, with all his confederates, driven from the country by the enraged people, who

rose, almost in mass, to rid themselves of one, whose presence they had long considered an evil as well as a disgrace.

Among the early settlers, there was a way of trying causes, which may, perhaps, be new to some of my readers. No commentator has taken any notice of *Lynch's law*, which was once the *lex loci* of the frontiers. Its operation was as follows: When a horse-thief, a counterfeiter, or any other desperate vagabond, infested a neighbourhood, evading justice by cunning, or by a strong arm, or by the number of his confederates, the citizens formed themselves into a "*regulating company*," a kind of holy brotherhood, whose duty it was to purge the community of its unruly members. Mounted, armed, and commanded by a leader, they proceeded to arrest such notorious offenders as were deemed fit subjects of exemplary justice; their operations were generally carried on in the night. Squire Birch, who was personated by one of the party, established his tribunal under a tree in the woods; the culprit was brought before him, tried, and generally convicted; he was then tied to a tree, lashed without mercy, and ordered to leave the country within a given time, under pain of a second visitation. It seldom happened, that more than one or two were thus punished; their confederates took the hint and fled, or were admonished to quit the neighbourhood. Neither the justice nor the policy of this practice can be defended; but it was often resorted to from necessity, and its operation was salutary, in ridding the country of miscreants whom the law was not strong enough to punish. It was liable to abuse, and was sometimes abused; but in general, it was conducted with moderation, and

only exerted upon the basest and most lawless men. Sometimes the sufferers resorted to courts of justice for remuneration, and there have been instances of heavy damages being recovered of the *regulators*. Whenever a county became strong enough to enforce the laws, these high-handed doings ceased to be tolerated.

CHAPTER VIII.

Character of the Pioneers.—Men of Education among them.—
The Kentuckians an eloquent People.—Early Literature.—
Imlay's Account of Kentucky.

At the close of the revolution, the state of Virginia rewarded her military officers, by donations of land, in the then *district of Kentucky*. Many of these gentlemen, with others, who, at the close of the war, found themselves without employment, emigrated to that country, carrying with them the courage, skill, and lofty notions incident to military command. They became the leaders in the Indian wars; and as bravery is necessarily held in the highest estimation among people who are exposed to danger, they soon became the popular men of the country, and filled many of the civil offices. A number of these gentlemen had been active and distinguished soldiers, who had reaped the laurels of successful valour, and earned the gratitude of their country; while they were, at the same time, men of education and refinement. They had all the high tone of Virginia feeling, together with the military pride and the knowledge of the world, acquired in several years of service. Seldom has a new community enjoyed the rare advantage of numbering among the founders of her institutions, men in whom were united such rare and happy endowments. They had the polish and elegance of gentlemen, with the muscular strength and courage of

the backwoodsman. They were accustomed to war and to all the athletic exercises of the forest. They rode well and wielded the rifle with fatal precision; they were successful warriors and good hunters; yet they were well-bred men, of easy manners, cultivated minds, liberal opinions, and unbounded hospitality. A fair proportion of them were persons of extensive property, or at least, in easy circumstances, which placed them above selfish considerations, and enabled them to live up to the native liberality of the Virginian character. The people and the institutions of the country, imbibed their spirit. Brave and hardy the Kentuckians must have been, from their manner of life; but we must attribute much of their hospitality, their polish, and their intelligence, to the gentlemen of Virginia, who came in early times to this state, bringing with them education, wealth, and talents.

Another fact is true of Kentucky, which does not occur in the history of other western states, or of new countries in general. This district, when first settled, formed a part of the territory of Virginia, lying in actual contact with the mother state; and its settlement was considered rather an expansion of the *Old Dominion*, than as the formation of a new community. We do not discover, either in the traditions or the writings of these times, which have come down to us, that the settlers of Kentucky were called *emigrants*. The idea of expatriation did not connect itself with their change of residence; they *moved out* to an unsettled part of their own state, considered themselves as remaining in their native land, and transferred to the soil of Kentucky all the pride, the local attachment, the love of country, which we find

so prominent, so characteristic, so graceful in the Virginia character. They were still Virginians.

The peculiarities of the society thus constituted, were but little adulterated by manners or institutions foreign from their own; there was little emigration to Kentucky from any other states than Virginia and North Carolina—none from Europe, and scarcely any from the eastern states. There was, therefore, a purely American population, whose institutions began to be organized at a period contemporaneous with the birth of our national independence, when the pride of newly gained freedom was glowing brightly, and patriotism was a new-born and highly cherished virtue.

When all these facts are considered, in connexion with the geographical position, the fertility, and the resources of the country, it is not difficult to understand the causes of those peculiarities of national character, which have always distinguished the Kentuckians, and which still point them out to the most casual observer, as a separate people. The first stock were hunters or military men—an athletic, vigorous race, with hardy frames, active minds, and bold spirits; and they lived for years surrounded by dangers which kept them continually alert, and drew them often into active military service. Obligated to think and act for themselves, they acquired independence of thought and habitual promptitude of demeanour. Separated from the parent state, and compelled to build up their own civil institutions, they canvassed freely every subject connected with their political rights and internal policy. They inherited the frankness and generosity of the southern character; and these traits were not deteriorated by their residence in a fertile country,

surrounded with abundance. Courage would naturally be held in high estimation, by a people whose ancestors were brave and continually engaged in warfare; and we find, accordingly, that this virtue is still in great repute among the Kentuckians. They are daring, impetuous, and tenacious of their honour; chivalrous, fond of adventure, courteous to females, and hospitable to the stranger.

And is it not obvious, that the Kentuckians must be an enthusiastic, a poetic, and an eloquent race? That they are so in fact, we are all aware; and it seems natural that such should be their character. The mercurial temperament of the southern constitution, has been preserved in them, and improved by the circumstances of their history; to the high-toned feeling and hot blood of the south, there has been added a hardiness of frame and an energy of mind, naturally growing out of the incidents of border life. They live in a land of unrivalled beauty, where the bounties of Heaven have been poured out upon the earth in rich profusion—in a wide, a boundless country, filled with gigantic productions. The whole period of their history, is crowded with romantic adventure. From their cradles, they have been accustomed to listen to the wildest and most curious legends—to tales of such thrilling horror, as to curdle the blood of the hearer, while they awaken his incredulity. Their traditions are wonderfully rich, and full of the most absorbing interest. There is hardly a family which does not preserve the reminiscence of some mournful catastrophe, or cherish the recollection of a daring exploit. With such an origin, such scenes, and such recollections, they cannot be other than an original and highly romantic people.

It is to be regretted that so few of the records of their

early history have been preserved, and that it had not been more customary among them, to describe in writing, their first impressions of this beautiful country, and to narrate those singularly romantic personal adventures which now excite so much admiration. But the pioneers were not persons of literary habits, nor did the country, until lately, afford those facilities which are requisite to produce and nourish a native literature. Few of those who visited the western frontier, at an early period, have described it as it then existed; and although some of the first settlers, who saw the beautiful shores of the Ohio arrayed in their native magnificence, are still in existence, they must soon pass away, and carry with them the traditions which supply the place of history, in reference to that interesting period. Yet there were some writers, even then, whose works are now for the most part out of print, and only to be found in the cabinets of the very few gentlemen who take the pains to preserve those interesting relics of a past age. One of the best of these was Captain Imlay, a gentleman of respectable talents, who, from actual inspection, was enabled to furnish a variety of interesting details, respecting the country, as it appeared when visited by him previous to the year 1793.

This old book contains one of the earliest published accounts of the district of country which it professes to describe, and we were surprised to find with how much accuracy it depicts all the strong features of a region which was then but little known. The writer seems to have been intimately acquainted with Kentucky from personal observation, and to have written chiefly from the stores of his own experience. Like all others who

visited the western forests, while yet in their pristine luxuriance, while the native vegetation still flourished in wild and vigorous beauty, and the eye feasted on a profusion of luxuriant verdure, he was delighted with these refreshing scenes, which he sometimes describes with all the animation of genuine feeling. The following passage shows the effect produced by this scenery, on the mind of a sensible man—for Captain Imlay was certainly a sensible and very honest writer—and testifies that our own generation is not singular in its admiration of the splendours of the great west.

“The east side of the Ohio for about ten or twenty miles below Wheeling, which is about one hundred below Pittsburg, is generally well settled. There are few settlements on the opposite shore until you come to the Muskingum, and the country now wears the face of a wilderness on both sides of the river, there being no habitations worth notice, except at the mouth of the Great Kenhaway, until we arrive at Limestone.

“Every thing here assumes a dignity and splendour I have never seen in any other part of the world. You ascend a considerable distance from the shore of the Ohio, and when you would suppose you had arrived at the summit of a mountain, you find yourself upon an extensive level. Here an eternal verdure reigns, and the brilliant sun of lat. 39, piercing through the azure heavens, produces, in this prolific soil, an early maturity, which is truly astonishing. Flowers, full and perfect as if they had been cultivated by the hand of a florist, with all their captivating odours, and with all the variegated charms which colour and nature can produce, here, in the lap of elegance and beauty, decorate

the smiling groves. Soft zephyrs gently breathe on sweets, and the inhaled air gives a voluptuous glow of health and vigour, that seems to ravish the intoxicated senses. The sweet songsters of the forest appear to feel the influence of this genial clime, and, in more soft and modulated tones, warble their tender notes in unison with love and nature. Every thing here gives delight; and, in that mild effulgence which beams around us, we feel a glow of gratitude for the elevation which our all bountiful Creator has bestowed upon us. Far from being disgusted with man for his depravity, we feel that dignity which nature bestowed on us at the creation; but which has been contaminated by the base alloy of meanness, the concomitant of European education, &c.

“From Limestone to Licking creek, the country is immensely rich, and covered with cane, rye grass, and the native clover. The cane is a reed which grows to a height, frequently, of fifteen or sixteen feet, but more generally about ten or twelve, and is in thickness from the size of a goose quill, to that of two inches in diameter; sometimes, yet seldom, it is larger. When it is slender, it never grows higher than from four to seven feet; it shoots up in one summer, but produces no seeds until the following year. It is an evergreen, and is, perhaps, the most nourishing food for cattle upon earth. No other milk or butter has such flavour and richness as that which is produced from cows which feed upon cane. Horses which feed upon it, work nearly as well as if they were fed upon corn, provided care is taken to give them, once in three or four days, a handful of salt,” &c.

It is exceedingly interesting to contrast the anticipa-

tions which were indulged forty years ago, in relation to the then approaching political character of this country, with the results that have been produced within that period. After predicting the formation of several new states south of Kentucky, the author proceeds to speak of the probable divisions of the country north-west of the Ohio. He says:—

“That ridge of hills which divides the waters of this river from that of the lakes running south-westwardly, until they run north-westwardly and divide the sources of the Wabash and Illinois rivers from the southern branches of the lakes, will be most likely to mark the limits to the west of the upper state upon the western side of the Ohio. The ridge of hills which divides the waters of the Alleghany river from those of the Genesee, will bound it on the north; the Alleghany river and the Ohio to the east, and the Muskingum to the south. The next state I should form between the Muskingum and Scioto, the Ohio, and that ridge of hills between the sources of these rivers and those of lake Erie. The third, between the Scioto, the Great Miami, the Ohio, and the same ridge of hills. The country lying between the Mississippi, Ohio, Wabash, and the same hills, I would put into another state; and the country lying between the Wabash, Ohio, Mississippi, and Illinois rivers, I would establish into a fifth state.

“Between the mouth of the Illinois river and the waters of lake Michigan, lies a district of country equally fertile with any part of the western country; but in the progression of our settlements, it will be some years before any settlement can be formed there, except in the fork of the Mississippi and Illinois, which may be

erected into a state, by running a line from St. Anthony's falls, in such a direction as to strike the head branches of the Illinois."

These paragraphs are entertaining, as they show the notions of an intelligent man who wrote forty years ago, and who doubtless expresses the opinions of others, as well as his own.

The writer's remarks on the productions of the country are accurate, and would be nearly true even now.

Of the wild animals and game of the country, he says:—

"The buffalo are mostly driven out of Kentucky. Some are still found on the head waters of Licking creek, Great Sandy, and the head waters of Green river. Deer abound in the extensive forests; but the elk confines itself mostly to the hilly and uninhabited places.

"The rapidity of the settlement has driven the wild turkey quite out of the middle counties; but they are found in large flocks in all our extensive woods.

"Amidst the mountains and broken country are great numbers of the grouse I have described; and since the settlement has been established, the quail, following the trail of the grain which is necessarily scattered through the wilderness, has migrated from the old settlements on the other side of the mountain, and has become a constant resident with us. This bird was unknown here on the first peopling of the country."

It may not be uninteresting to our readers to notice the anticipations which were current forty years ago in reference to the production of some of the necessities of

life, as for instance, the article of sugar. The writer remarks:

“The extensive climate of this country I believe is no where warm enough for the cultivation of the sugar cane with success; and to import it would be too expensive by reason of its great weight; but nature has superseded that necessity in the supply of the sugar maple tree. It has long been known that sugar could be made from the juice of this tree; but from the imperfect knowledge of the business of sugar making, the samples from this liquid were such as promised no great expectations in future experiments: however, the necessity the people were under of making them, or doing without sugar, proved that with care and proper management, it could be made equal to the finest sugars of the West Indies or Brazil. Some samples shown to a sugar refiner in Philadelphia (which astonished him) produced several instructions in the art, which occasioned immediate success.

“The people began to treat sugar trees more tenderly; and instead of chopping a large gap in their trunk, which had always been the practice, and which was sufficient to destroy a less tender tree, the juice was found to ooze as effectually from an incision made with a screw auger of $\frac{3}{4}$ ths an inch in diameter. But this was the smallest of the improvement. All the means made use of in the West Indies for the perfection of the art were soon ascertained and practised; so that the country is not only equal to supply itself with sugar, but might, with increase of hands, supply the inhabitants of the globe.

“The sugar maple tree not only grows in the greatest abundance throughout this country, within limits I have

mentioned, but it is known to be the hardest, and the most difficult to destroy, of all the trees in our forests, (the beech not excepted,) by the planters, who have a method of chopping or girding the trunks of trees about one foot and a half above the ground, in order to kill them, &c.

“It is known that old trees produce the most and the richest juice; and it is also known that trees which have been used for years are better than fresh trees. It is a common remark, that whenever you see a black tree of this sort, it is a sure sign it is a rich one. The blackness proceeds from incisions made in the bark by the pecking of the parroquet, and other birds, in the season of the juice rising, which oozing out, dribbles down its sides and stains the bark, which in the progression of time becomes black.

“I have mentioned these particulars with a view to prevent your falling into the general error, that the resource of making sugar from the maple will soon be destroyed from the very nature of producing it; believing, as many do, that it is impossible for the tree to be able to bear the annual wounds which are necessary to be made in its trunk in order to draw off the juice, and that a few years must necessarily extirpate them. Now, so far from there being any danger of that, experience has shown that the longer they are used in a proper manner, the more plentiful and rich will be their juice, to a certain age, which will be in proportion to the life of those trees. No exact estimate can be made of that; but I conclude their decay is not earlier than that of other trees.”

The author proceeds to speak of the salt springs, beds

of coal, limestone, clay for making brick, &c., in relation to all which essential articles, his account has been more than realized by subsequent experience. Few countries can boast such a remarkable variety and abundance of natural resources as this.

The following observation is amusing enough :

“When you arrive in Kentucky, you experience a milder temperature of air than in any country I have ever travelled in, Farenheit’s thermometer seldom falling below 35 degrees in winter, nor rising above 80 in summer.”

Had the captain’s lot been cast among us during the summer of 1834, he would have found the temperature rather above 80 degrees, and some of the recent winters would have taught him that the thermometer can sometimes fall below 35. Can it be, that our seasons have changed so much, or has Imlay, with all his candour and accuracy, made so wide a mistake? According to him, the thermometer only ranges about 45 degrees, in this country, in the whole year; when in fact in the single month of August, 1834, the maximum heat was 99, and the minimum 51, showing a range of 48 degrees.

There is no subject whatever in relation to a new country about which such gross mistakes, and wild guesses, are made, as that of climate. It is a matter upon which every one forms an opinion, and in reference to which opinions are as numerous as the nature of the subject will admit. The reason is that people judge of the weather from their own feelings, and decide not by the variations of the thermometer, but by the rise and fall of their own spirits, or the sufferings of their bodies

from incidental exposure. In older countries there are established facts which serve as standards for popular comparison; tradition has handed down a series of circumstances which enable the most ignorant to compare one season with another, and which serve to correct the hasty judgment of the traveller, or the diseased imagination of the valetudinarian. There are actual experiments also, and scientific observations, founded on principles which cannot deceive, and corrected from year to year. In a new country, also, people are more exposed to the changes and inclemencies of weather, than persons who are surrounded by the comforts of life. A large portion are travellers or emigrants, or persons recently settled in frail habitations, which do not afford complete protection from the extremes of heat or cold—and all these being interested in every change of the atmosphere, feel and notice such vicissitudes. This is the true cause of the idle remarks which we so often hear about our western climate. Every traveller and emigrant has a theory of his own. It is a common remark, that the changes of atmosphere are greater and more sudden here than at the east. The truth is that persons residing in cities and well-built towns, pay little attention to the weather, because it interferes comparatively but little with their comfort, and not at all with their business. If it rains, the citizen unfurls his umbrella, and walks on a good pavement; if the sun shines intensely hot, he takes the shady side of the street; if it freezes, he closes his door, and increases his fire. The traveller feels the inconvenience of all these changes, and becomes a sensitive observer, and often an ill-natured critic in matters about

which he had before scarcely ever thought; and the new settler, subjected to more exposure than he has ever been accustomed to, finds out capricious varieties and evil qualities in the climate, which exist only in his own diseased imagination.

CHAPTER IX.

Foreign Influence over the Indians.

While the pioneers were thus active in the forests of Kentucky, the enterprising spirit of our countrymen had led them to explore other parts of the Ohio valley, and to undertake adventures similar to those which we have described. Tennessee began to be settled from North Carolina about the same time, and by a similar class of men. Sevier, Blount, Robinson, and other prominent leaders in that region, closely resembled the Harrods, the Logans, the Hardins, and Bullits of Kentucky, in mental energy and physical hardihood. We do not enter upon their history, because it would lead us to a repetition of events precisely analogous to those which we have detailed; and in giving merely the spirit of western history, it is not our intention to repeat similar circumstances, occurring at different places and to different individuals, but merely to select such examples as may best illustrate the whole subject. We refrain also, from touching upon the annals of Tennessee, because the events which occurred in that region, are not connected or involved with those that took place in the settlement of Kentucky and the territory north-west of the Ohio. Although contemporaneous and similar, the actors were different, and the transactions entirely independent of each other.

It may, however, be stated, as a curious coincidence, and as another illustration of some of the remarks which

we made on the political condition of the early settlers, that while Kentucky was engaged in angry altercation with Virginia, in relation to the navigation of the Mississippi, and other exciting topics, to which we have alluded, Tennessee was angrily urging the same subjects upon the attention of North Carolina. But the people of Tennessee became more exasperated, and proceeded to more decisive measures than the inhabitants of Kentucky; for while the latter only weighed the advantages of their connexion with the union, and spoke of a violent separation from the mother state as a possible event, the former proceeded to the experiment of a separate government, and actually framed the constitution of an independent state, which they called *Frankland*. They were, however, not unanimous in this measure; a part only of the people, headed by a few violent men, assented to its adoption, while the remainder continued loyal to the existing authorities, patiently waiting for a change of times, and confidently relying on the justice of a government of their own choice, which could have no inducement, nor any provocation, to oppress a portion of its citizens. The state of Frankland had a brief and turbulent existence, and died a natural death. The admission of Tennessee into the union, as a separate state, in 1796, quieted the discontents of the people.

About the year 1750, a settlement was made at Redstone, now called Brownsville, on the Monongahela. The settlers were chiefly Pennsylvanians. From this place and Fort Pitt, they spread over western Pennsylvania and Virginia. No part of our population ever suffered more severely from Indian hostilities than this. The wars were fierce and long continued. There is

scarcely a spot throughout that region, which is not distinguished as the field of a sanguinary battle, or the scene of some memorable deed of savage atrocity. The romantic and beautiful shores of the Monongahela, are rendered particularly interesting, by the many wild traditions related by the old inhabitants, and the singularly exciting associations with which they inspire the mind of the traveller.

The savages who assailed the new settlements in the west, resided chiefly on the north-western side of the Ohio river, from its mouth to the lakes. The British government had established agencies among them, for the sole purpose of keeping alive their rancour against the American people. The fur trade was not at that period a source of great profit, nor an object of commercial cupidity; and the British cabinet could have had no other inducement sufficiently powerful, to have provoked a measure so audacious, as that of maintaining agents among the tribes within our acknowledged territorial boundaries, except that of preventing the expansion of population, by keeping up a continual warfare upon the borders. The fearful extent to which they effected this, object, is too well remembered. Colonel M·Kee, an authorized agent of the British government, of high official rank and great influence among the tribes, became infamously notorious for the atrocities committed under his sanction, and the success of his wide spread and indefatigable intrigues. His name is found continually associated with the darkest deeds which are recorded in the history, or preserved in the traditions of our border wars. That his misdeeds have been exaggerated by rumour, and magnified by the resentment of those who suffered

by his cruel policy, is altogether possible; but enough is shown in his own official acts, and in the reports of the American governors and commanders in the west, to establish the fact, that he served what he supposed to be the interests of his own country, with a zeal as fatal to his own reputation, as it was destructive to the peace of the frontiers, and ruinous to the unhappy savages who were the willing instruments of his vengeance. A wretched miscreant named Girty, was another agent in these nefarious proceedings—a native of one of the British colonies, who, in consequence of his crimes, or of some injury which he supposed himself to have received, had fled from the abodes of civilized men; he became a savage in manners and in principle, and spent his whole life in the perpetration of a demoniac vengeance against his countrymen. He planned many expeditions against our borders, some of which he led in person; was present at the conflagration of the settler's cabin, witnessed the expiring agonies of the mother and the infant, and assisted in the dreadful solemnities which attend the torturing of a prisoner at the stake. It was in vain that the unhappy victims appealed to his humanity; a single instance only is known, in which he suffered the dictates of pity to actuate his conduct; with the same cold indifference or hellish malignity, did he witness the butchery of the infant, the murder of the female, and the excruciating torture of the gallant soldier. He is not known to have held any specific appointment under the British government; but he was the companion and subordinate of M·Kee, and was known to have had the countenance and protection of that officer.

This subject is too painful to be dwelt upon in detail.

The relations between the British and American governments are now placed upon an amicable basis, which renders it improbable, that the vicious of either nation, will ever again have it in their power to inflict upon the peaceful inhabitants of the other, such injuries as those to which we have alluded. The recital of these events, therefore, in the mere spirit of resentment, would be wrong; but it is impossible to pass them over in silence, because they have had so important a bearing upon the affairs of this region, that without adverting to them, its history cannot be understood, nor can the difficulties which surrounded the first settlers be fairly appreciated.

We have seen that the pioneers of Kentucky, though few in number, and unsupported by the government, contended successfully against the Indians. The settlement of the newer states, west of the Ohio, commenced at a later period, under the immediate auspices of the United States, and with prospects far more encouraging; yet the hostilities were as fierce, though not so long protracted, as those of the Kentuckians. In the one case, small parties of volunteers, hastily collected, and without organization, acted successfully against the savage; in the other, regular armies, under experienced commanders, were more than once defeated.

It is also worthy of remark, that at a period nearly contemporaneous with the commencement of the settlements in Ohio, the United States began to organize a system of conciliatory measures towards the Indians. The policy pursued previously, as well by the colonies as by the British government, had been such as to alienate the aborigines and provoke their vengeance. The wars between the English and French, had operated most un-

happily upon our relations with the tribes, not only by keeping the frontiers in a state of disturbance, which rendered both the whites and the Indians jealous, and keenly alive to the slightest appearance of affront, but by the direct employment of the savages as auxiliaries. In the revolutionary war, this fatal expedient was adopted by the mother country to a fearful extent; and along the whole line of our frontier, the Indians, armed with the weapons of civilized men, and furnished with munitions by our wealthy antagonist, were incited to ravage the country. The Indian force that invested Boonsborough in 1778, fought under British colours, was commanded by Europeans, and summoned the garrison in the name of his Britannic majesty. The American government was the first to discourage the unnatural practice of employing savage auxiliaries; and the adoption of this principle, was among the earliest acts of the Federal Union. In the ordinance of 1787, we find the following emphatic declaration, which may be considered as comprehending the views of our government and people at that time, and as laying down the maxims which have regulated our policy, in relation to that unfortunate race, down to the present period. "Religion, morality, and knowledge, being necessary to the good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but *laws founded in justice and humanity*, shall from time to

time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them." At a period a little subsequent, the language of the executive was: "It is the ardent wish of the President of the United States, as well from a principle of humanity, as from duty and sound policy, that all prudent means in our power, should be unremittingly pursued, for carrying into effect the benevolent views of Congress, relative to the Indian nations within the jurisdiction of the United States;" and in the instructions given, from time to time, to the governors of the western territories, the agents for Indian affairs, and the military officers employed in that region, we find invariably the same benevolent tone, and the constant inculcation of measures, having for their object, "not only the cultivation and establishment of harmony and friendship between the United States and the different nations of Indians, but the introduction of civilization, by encouraging and gradually introducing the arts of husbandry and domestic manufactures among them."

While such language was used by the highest authorities of our country, in their instructions to the subordinate agents whose duties brought them in contact with the Indians, and was repeated in the various councils held with the tribes, and enforced by the most solemn pledges—while the Indians were entreated in the most urgent manner to abstain from the use of spirituous liquors, to discontinue their exterminating wars with each other, to live in peace with the white men, and to cultivate our arts, they were admonished by the insidious emissaries to whom we have alluded, to regard us with suspicion, as enemies, who, under the guise of friendship,

sought their destruction. A fair specimen of this species of backwoods diplomacy, may be found in a *talk* delivered by Colonel M'Kee to the Potowatomies, who had destroyed twenty barrels of spirits, which had been brought into their nation by an English trader, in November, 1804, and which we have already quoted in this work.

The moral turpitude of addressing to savages sentiments directly tending to incite them to intoxication and war, and neutralizing the efforts of the benevolent, who were endeavouring to dissuade them from both, is sufficiently obvious. But the offence becomes greatly aggravated, when we recollect that these Indians resided within our territorial limits; that the interference of an agent of a foreign government was gratuitous, unauthorized, and in contravention of the principles of the laws of nations, and that we were at that time at peace with these Indians and with the British.

We have no wish to multiply the evidences of this unjust interference with our rights and policy. We could trace it through the whole history of our western settlements, from the revolution down to the war with Great Britain, which terminated with the close of the year 1814; and we have seen it manifested, though less frequently, and far less openly, on a few occasions since the latter period. This state of things was the most unfortunate for the interests of the pioneers, that could possibly have occurred, and its practical operation was peculiarly disastrous and oppressive. Had they been left to contend alone against the savages—had the contest been simply for the possession of the country, without any reference to questions of right, and without the in-

terference of the government on the one hand, or of adverse political machinations on the other, the conflict would easily have been decided. The first adventurers to Kentucky were thus unembarrassed, and were uniformly successful. At a later period, the government, while it afforded little protection to the frontiers, imposed restraints which crippled the exertions of the inhabitants of the borders, while they encouraged the Indians to become more audacious in their hostility. It was determined, that the lands of the Indians should not in any case be taken from them without their consent, nor without giving them an equivalent. Hostilities against them were discouraged, and the invasion of their territory forbidden, while the Indians were making frequent incursions into our country, and ravaging the whole border with fire and sword. On our side, there was forbearance and restraint; on theirs, active and unremitting hostility; the government of the United States was continually mediating between the actual parties, the Indians and the settlers, and withholding the latter from what they considered a just vengeance, while the agents of a foreign government were arming our foes and inciting them to new acts of murder and depredation.

It is perfectly obvious, that these transactions must have been injurious to all concerned, but especially to the inhabitants, both civilized and savage, of this region. The Indians were sacrificed without mercy, by a destructive policy of their allies, who reaped much odium, but gained no ultimate benefit by the operation; the settlers endured the most dreadful calamities, while the beneficent intentions of the government were frustrated.

We do not mean to insist that all the outrages com-

mitted on our frontiers by the Indians, are justly attributable to the direct action of the British government; many of the atrocities of which we complain, were undoubtedly the unauthorized acts of private individuals, perpetrated for the accomplishment of their own purposes of emolument or revenge; but some of them have been shown to have been the official acts of public men, and the cabinet of St. James is responsible for the effects of a system of which it was the author, and which was in itself unjustifiable. The fur trade, although insignificant when compared with the other branches of the commerce and industry of either nation, has always been a source of contention between the traders of the United States and Great Britain; and the Indians have been tampered with by persons who have had no higher object in view than the securing of the trade with a particular tribe. The late Indian war in Illinois, was in part brought about by the machinations of the Canadian traders, who expected, by embroiling the Americans with the Indians, to prevent our traders from passing in safety up the Mississippi, and thus to monopolize to themselves the traffic of one year.

Having pointed out a prolific source of disturbance, without a proper understanding of which the ensuing narrative would be obscure, we shall proceed to speak of the settlements west and north of the Ohio.

PART V.

MILITARY OPERATIONS IN THE NORTH-WESTERN TERRITORY.

CHAPTER I.

Clarke's Expedition against the French Settlements—Capture of Kaskaskia—Capture of Vincennes—Founding of Louisville—Anecdote of Kenton.

One of the earliest expeditions of the Americans beyond the Ohio, which then constituted the western frontier, was that of Colonel George Rogers Clarke against Kaskaskia, in 1778. This place, as well as the posts upon the lakes, was then in the possession of the British, with whom we were at war; and being one of the points from which the Indians were supplied with munitions, and enabled to harass the settlements in Kentucky, its capture was deemed so important, that the legislature of Virginia was induced to raise a regiment for the purpose. The command was given to Colonel Clarke, who planned the expedition, and who is spoken of by Chief Justice Marshall, as “a gentleman, whose great courage, uncommon hardihood, and capacity for Indian warfare, had given him repeated successes, in enterprises against the savages.” He was a man of extraordinary talents

and energy of character—possessed of a military genius, which enabled him to plan with consummate wisdom, and to execute his designs with decision and promptitude. Having visited Kentucky during the previous year, he was satisfied, that in order to curb the Indians effectually, it was necessary to strike at the powerful, though distant allies, by whom they were supported. His great mind readily comprehended the situation of the country; he made himself acquainted with the topography of the whole region, as far as it was known, with the localities of the enemy's posts, and the strength of their forces; and was enabled to make such representations, as induced the legislature of Virginia to act with vigour. A regiment was authorized to be raised for the defence of the western frontiers, without designating the particular object of the enterprise, which remained a profound secret; and such was the confidence inspired by Col. Clarke, that between two and three hundred men were raised without delay.

With this force he crossed the mountains to the Monongahela, and descended by water to the falls of Ohio, where he was joined by some volunteers from Kentucky. Having halted a few days to refresh his men, he proceeded down the Ohio to the neighbourhood of Fort Massac, a point about sixty miles above the mouth of that river, where he landed and hid his boats, to prevent their discovery by the Indians. He was now distant from Kaskaskia about one hundred and thirty miles, and the intervening country—with which the writer is familiarly acquainted—must have been at that period, when in a state of nature, almost impassable. His route led through a low, flat region, intersected by numerous streams and ponds, and entirely covered with

a most luxuriant vegetation, which must have greatly impeded the march of troops. Through this dreary region the intrepid leader marched on foot, at the head of his gallant band, with his rifle on his shoulder, and his provisions upon his back. After wading through ponds, crossing creeks by such methods as could be hastily adopted, and sustaining two days' march after the provisions were exhausted, he arrived in the night, before the village of Kaskaskia. Having halted and formed his men, he made them a brief speech, which contained only the pithy sentiment, that "the town was to be taken, at all events." And it was taken accordingly, without striking a blow; for, although fortified, the surprise was so complete, that no resistance was attempted. A detachment, mounted on the horses of the country, was immediately pushed forward to surprise the villages higher up the Mississippi; they were all taken without resistance, and the British power in that quarter completely destroyed. It is said, that a hunter had discovered the American troops, and apprized the inhabitants of Kaskaskia of their approach; but that his story was considered so improbable, as to obtain no credit. It *was* an improbable story, although it turned out to be true. A law had been passed for the raising of a regiment, the troops had been enlisted, officered, and equipped, transported thirteen hundred miles by land and water, through a wilderness country, inhabited by the Indian allies of the enemy, and marched into a garrisoned town, without the slightest suspicion, much less discovery of the movement. When we observe the amount of time and labour which is now expended, in making a journey from Virginia to Kaskaskia, with all our improvements, and

reflect how incalculably greater must have been the difficulties of such a journey sixty-five years ago, when there was no road across the mountains, nor any boats in which to navigate the rivers, but such rude craft as the traveller might construct for his own convenience; and when we take into consideration the difficulty of transporting provisions and ammunition through a wild region, the successful expedition of Colonel Clarke, will present itself to the mind as a brilliant military achievement.

His next exploit was bolder, more arduous, and equally successful. Kaskaskia was not strongly defended; no attack by a civilized enemy, was apprehended at this remote spot, and the approach of Clarke was unsuspected; but Vincennes, situated nearly in a direct line between Kaskaskia and the falls of Ohio, distant one hundred and sixty miles from the former place, and two hundred miles from the latter, had been considered within the reach of an attack from the American settlements, and was strongly fortified. It was well garrisoned with British troops, commanded by Governor Hamilton in person, an experienced officer, who was quickly apprized of the capture of the posts on the Mississippi, in his rear, and prepared to expect a visit from the daring Clarke and his victorious troops. In addition to the regular force, which was greatly superior to that of Clarke in numbers and in equipment, he had under his command six hundred Indian warriors; and being an active, skilful officer, he proposed to march as soon as possible upon the American commander. But the season was such, as to render any immediate military movement difficult, and apparently impracticable. The rivers

and smaller streams, all of which, in this level region, overflow their banks rapidly after heavy falls of rain, were now swelled, and the passes of the country blocked up. Unable to march his own troops under such circumstances, he considered that Clarke would be confined by the same causes to the shores of the Mississippi, where no reinforcement could reach him, and where he could attack him, with the certainty of success, upon the subsiding of the waters.

Colonel Clarke, who, with his other accomplishments, possessed a singular capacity for penetrating into the designs of his enemy, became informed, as well of the present delay, as of the ulterior plan of the British commander, and determined to anticipate his intentions, by marching instantly against the post of Vincennes. To effect this, it was necessary to pass, without any road, over a surface of one hundred and sixty miles of fertile soil, whose light, spongy loam, saturated with water, afforded no firm footing to the steps of the soldiery, and to cross the Kaskaskia, the Little Wabash, the Embarras, and the Great Wabash rivers, besides a number of their tributaries, all of which were swollen, and margined by wide belts of inundated land. But the undaunted leader pressed on—without wagons, without tents, with only such provision and ammunition as could be carried on the backs of a few pack-horses, and the shoulders of the men—toiling by day through mud and water, and sleeping at night upon the wet ground.

Upon reaching the waters of the Great Wabash, our adventurous troops beheld before them an obstacle, which must have daunted the hearts of warriors less

resolutely determined than themselves, upon the successful achievement of their enterprise. On the eastern bank of the river stood the British fort, on a high shore, swept by the foaming current of a great river; on the western side was a tract of low alluvion land, five miles in width, entirely inundated. The whole expanse of water to be crossed, was nearly six miles in width—first, the marshy flat, in whose treacherous quicksands the writer has seen the horse sink under his rider, and become instantly buried in the mire, now covered with water, too deep in some places to be forded, and too shallow in others to admit of navigation by boats, and impeded throughout by growing timber, floating logs, or tangled brushwood—and then, the swift, powerful current of the river.

Colonel Clarke was laboriously employed for sixteen days, in effecting the march from Kaskaskia to Vincennes; five of which were consumed in passing the wilderness of water just described, through which he meandered in such a manner, as to conceal his forces from the enemy, by avoiding the prairie, and keeping as much as possible under the cover of the timber—wading sometimes breast deep, sometimes proceeding upon rafts and canoes, and at last, crossing the river in the night, and presenting himself suddenly before the town, which was completely surprised.

It was here that the western Hannibal, as Clarke may be justly called, performed a manœuvre, which shows that he was prudent as well as daring; and that while he possessed the hardihood to attempt the most desperate enterprises, he was fertile in expedients, and cautious in availing himself of any incidental advantage

which might be presented. As he approached the town, over the wide, beautiful prairie on which it stands, and at the moment when his troops were discovered by the enemy, he found himself near a small circular eminence, which concealed a part of his force from the observation of the foe. Under this cover, he countermarched his column in so skilful a manner, that the leading files, which had been seen from the town, were transferred, undiscovered, to the rear, and made to pass again and again in sight of the enemy, until all his men had been displayed several times, and his little detachment of jaded troops was made to assume the appearance of a long column, greatly superior in number to its actual force. He then promptly summoned the garrison to surrender. Governor Hamilton, after a brief defence, struck his flag; and the gallant Clarke found himself master of an important post, whose garrison, now his prisoners, consisted of a well appointed body of soldiers, twice as numerous as his own followers.

These brilliant exploits of Colonel Clarke had an important bearing upon the interests of the western country, both direct and consequential. They gave, for the moment, safety and repose to the harassed inhabitants of Kentucky, and struck with terror the whole savage population of the wide region through which he passed. They deranged an extensive plan of operations on the part of the enemy, the design of which was to annihilate all the border settlements, by pouring in the combined Indian force along the whole line of our frontier, while they detached from the British interest, many tribes who had long acted under the control of that power. They hastened, if they did not contribute to produce,

the most important political event connected with the history of the western country—the purchase of Louisiana. The limits of the United States were extended to the Mississippi, where they remained fixed; and Virginia, assuming her title to the conquered territory, in right of her charter, as well as of the conquest by her own arms, proceeded at once to erect it into a *county*, which was called *Illinois*.

Another direct consequence of the successes of Colonel Clarke, was the founding of Louisville. Previous to that period, the families who were collected at the falls of Ohio, had sought safety upon the island abreast of the present site of the town; but the capture of Vincennes, by breaking up the nearest and strongest of the enemy's western posts, relieved their apprehensions of danger, and enabled them to settle on the Kentucky shore.

The enterprising spirit of Clarke was shared by those who followed him. Among them was Simon Kenton, one of the most celebrated and daring of the pioneers. After the fall of Kaskaskia, he was sent with a small party to Kentucky, with despatches. On their way, they fell in with a camp of Indians, in whose possession was a number of horses, which they took and sent back to the army. Pursuing their way by Vincennes, they entered that place by night, traversed several of the streets, and departed without being discovered, taking from the inhabitants, who were hostile, two horses for each man. When they came to White river, a raft was made, on which to transport the guns and baggage, while the horses were driven in to swim across the river. On the opposite shore, a party of Indians were

encamped, who caught the horses as they ascended the bank. Such are the vicissitudes of border incident! The same horses that had been audaciously taken only the night before, from the interior of a regularly garrisoned town, were lost, by being accidentally driven by the captors into a camp of the enemy. Kenton and his party, finding themselves in the utmost danger, returned to the shore from which they had pushed their raft, and concealed themselves until night, when they crossed the river at a different place, and reached Kentucky in safety.

We shall insert here another anecdote of Kenton, as a specimen of the daring spirit of the pioneers, and of the singular adventures through which some of them passed. A party of Indians having stolen some horses in Kentucky, Kenton, with a few companions, pursued them across the Ohio, keeping upon their trail for several days undiscovered, and without getting an opportunity of attacking them, until the Indians reached their village. In the night, Kenton and his men entered the village secretly, and not only recaptured the stolen property, but took also several of the best of the Indians' horses. Kenton fled with the booty rapidly towards home, and the Indians, discovering their loss, became, in turn, the pursuers. The Americans reached the western shore of the Ohio in safety; but being unable to cross without risking the loss of the horses, which had cost them so much toil and danger, in consequence of a high wind, they were delayed until the Indians overtook them, and Kenton was captured, while his companions escaped.

The Indians either knew Kenton, or discovered from his bearing and his conduct on this occasion, that he was an extraordinary man; and while they exulted in his capture, they practised upon him every possible cruelty. They taunted him with sarcastic compliments upon his love for horses, and assured him that he should ride one of their best animals. He was accordingly bound securely upon a vicious young horse, which was turned loose without a bridle, to follow the party. The animal reared and plunged and dashed through the woods, endeavouring, in vain, to shake off its rider; until, wearied out, it became more tame, and quietly fell into the rear of the other horses. Still the situation of Kenton was not the less painful; for the horse, becoming accustomed to the burthen, would often stop to graze, lingering until the party was nearly out of sight, and then dashing forward, would pursue them at full speed, dragging the lacerated body of the wretched pioneer under the overhanging branches, and plunging with him through the closest thickets, as if with the purpose of increasing his misery.

On his arrival at Chillicothe, the most populous of the Indian towns in this region, he was painted black, tied to a stake, and suffered to remain in this painful situation for twenty-four hours, anticipating the horrors of a slow and cruel death. He was next condemned to run the gauntlet. The Indians, several hundred in number, of both sexes, and every age and rank, armed with switches, sticks, and other implements of annoyance, were formed in two lines, between which the unhappy prisoner was made to pass; having been promised, that if he reached in safety the door of the coun-

cil-house, at the farther end of the lines, no further punishment would be inflicted. He accordingly ran with all the speed of which his debilitated condition rendered him capable, beaten by the savages as he passed, and had nearly reached the goal, when he was knocked down by a warrior with a club; and the demoniac crew, gathering around his prostrate body, continued to beat him, until life seemed to be nearly extinguished.

In this wretched condition, naked, lacerated, and exhausted, he was marched from town to town, exhibited, tortured, often threatened to be burned at the stake, and frequently compelled to run the gauntlet. On one of these occasions, he attempted to make his escape, broke through the ranks of his torturers, and had outstripped those who pursued him, when he was met by some warriors on horseback, who compelled him to surrender. After running the gauntlet in thirteen towns, he was taken to Lower Sandusky, to be burned. Here resided the miscreant Girty, who having just returned from an unsuccessful expedition against the frontiers of Pennsylvania, was in a particularly ill humour, and hearing that there was a white prisoner in town, he rushed upon him, struck him, beat him to the ground, and was proceeding to farther atrocities, when Kenton had the presence of mind to call him by name, and claim his protection. They had known each other in their youth; Kenton had once saved the life of Girty; and deaf as the latter was, habitually, to every dictate of benevolence, he admitted the claim of his former acquaintance; and actuated by one of those unaccountable caprices so common among savages, interceded for

him, rescued him from the stake, and took him to his house, where, in a few days, the pioneer recovered his strength. Some of the chiefs, however, became dissatisfied; another council was held, the former decree was reversed, and Kenton was again doomed to the stake. From this extremity, he was rescued by the intercession of Drewyer, a British agent, who having succeeded in obtaining his release, carried him to Detroit, where he was received by the British commandant as a prisoner of war. From this place he made his escape, in company with two other Americans; and after a march of thirty days through the wilderness, continually exposed to recapture, had the good fortune to reach the settlements in Kentucky.

This is one of many similar adventures, which are related of this remarkable man, who seems to have possessed a courage which nothing could daunt, a vigour of mind equal to every emergency, and a strength of constitution, which enabled him to bear the most incredible fatigues and sufferings. He is still living—a venerable relic of a past age. He resides in the state of Ohio, a remarkable monument of the rapid advancement of the country. In the very region over which he roamed a hunter and a warrior, when not a single white man had erected his cabin within its limits, he now finds himself the citizen of a state containing more than a million of inhabitants, and surrounded by other states but little less populous. He sees towns and cities, commerce and manufactures, government and laws, wealth, refinement and religion, where he once saw only the forest, the beast of prey, and the savage. He has lived a life of romantic and wild adventure; and

after having braved a thousand dangers, and been miraculously preserved from death by violence, on various occasions, has outlived the most of his cotemporaries, and will probably die composedly in his bed, and be gathered in peace to his fathers.

CHAPTER II.

Bowman's Expedition—Clarke's Battle of Blue Licks—Harmar's Expedition—Wilkinson's.

In 1778, an expedition was sent from Kentucky, against the Indians west of the Ohio, under the command of Colonel John Bowman; but owing to the mismanagement of the leader, it entirely failed.

In 1780, Colonel Clarke led an expedition against the Shawanees residing on the Great Miami. It was conducted with the caution and promptitude, which had previously distinguished the movements of that officer. The Indians were completely surprised, and had barely time to send their squaws and children to the woods for safety. They, however, defended their cabins obstinately, and were only driven from them after a severe battle. The town was then burnt, the corn-fields laid waste, and the means of sustenance of the inhabitants, as far as possible, destroyed. This seems to have been the most effectual method for bridling the ferocity of the Indians; the death of a portion of their warriors only increased their fury, but the destruction of their villages and corn-fields chilled their courage, by showing them that the war could be carried to their homes; while it crippled their military power, by forcing them to engage in hunting to support their families.

The year 1782 is rendered memorable in the annals of Kentucky, as the era of the disastrous battle of the

Blue Licks. A number of tribes having united in a formidable combination, a large body of Indian warriors was marched into Kentucky. A gallant force was hastily assembled to meet them, composed of the flower of the population of the nearest settlements to the point invaded—the best and bravest men, the most promising and chivalrous youth of the land. The enemy, having slaughtered a number of the unprotected inhabitants, and committed many depredations, were apparently retiring, when this army moved with alacrity in pursuit, full of the most sanguine expectations. Colonel Daniel Boone and others, who were conversant with the savage character, discovered a peculiarity in their mode of retreat, which afforded cause for suspicion; instead of their usual secrecy and speed, signs of carelessness and delay were discovered on their trail, indicating their route, and betraying a willingness to be pursued; while on the other hand, the most effectual measures had been adopted to conceal their numbers. They effected the latter object, by moving in single file, by contracting their camps to the smallest possible compass, and by using but few camp-fires; and the former, by marking a distinct, though narrow path, and leaving various articles strewed by the way, as well to point it out to the pursuers, as to create the belief that they were retiring in confusion. Deceived by these appearances, the younger warriors, burning with revenge, and eager for battle, rushed madly forward, while Boone, and a few other experienced men, endeavoured to restrain their ardour. The consequence was, that they fell into an ambuscade, which had been arranged with consummate skill; a part of the Kentuckians were engaged and

beaten before the rest came into action; the force was cut up in detail; and a signal defeat, accompanied with great slaughter, was the unhappy consequence. This was the most severe blow which ever fell upon the early settlers of Kentucky; a number of brave men were slain, many promising youth were among the fallen, and a considerable number of females and children were butchered or taken prisoner. Some families were wholly destroyed; others mourned a husband, a son, a wife, or an infant child, and the whole land was filled with gloom, with the lamentations of bereaved relatives, and the shame of a proud people.

Colonel Clarke, who then resided at the falls of Ohio, immediately seized the opportunity of proposing a retaliatory expedition against the Indians; confident that in the indignant state of the public feeling, nothing could be more popular, nor better calculated to soothe the irritation of the people, and blunt the poignancy of their distress. His call was promptly answered. Officers and men volunteered; horses, provisions, and supplies of every kind, were gratuitously offered, by those who could not leave home, and the enterprising leader soon found himself at the head of a thousand mounted riflemen, who panted to meet the enemy.

This expedition was conducted with the despatch and secrecy so essential to the success of partisan warfare, and for which its distinguished leader had already obtained celebrity. He proceeded to the Indian towns on the Miami and Scioto, but found them deserted. He passed from village to village, his approach producing every where the same effects. Dismay and fright preceded his victorious march. His name struck terror

throughout the whole Indian border. The crafty savages, who are admirable judges of human nature, in all that relates to military feeling or calculation, were aware that the pride of Kentucky had been touched; and that those who now sought them in their own towns, to challenge them to battle, came prepared to conquer or die—to revenge injury and wipe off disgrace. They declined a meeting with such men, led by such a commander; and Clarke found nothing but empty cabins and deserted fields. The former, as well as the latter, were desolated. The villages were reduced to ashes, and the standing corn destroyed. The soldiers reaped no laurels; but the effect of the expedition was beneficial. It displayed the power and the spirit of the Americans, and taught the savages that they could not make war upon our borders with impunity.

The next important expedition into the country west of the Ohio, was again led by General Clarke, and was equal in amount of men, to that just described. In 1785, the incursions of the Indians having again caused a popular excitement, an army of a thousand men was raised by voluntary association, and assembled at the falls of Ohio. The provisions and ammunition were sent round in keel-boats to Vincennes, to which place General Clarke marched his men by the nearest route. This expedition accomplished nothing, beyond the good effect produced by the appearance of a respectable force in the Indian country.

The next important expedition into the Indian country, was that of Scott and Harmar, in 1790. General Scott, with two hundred and thirty volunteers, crossed the Ohio at Limestone, and was joined by General Har-

mar, with one hundred regulars of the United States army. They penetrated into the Indian country and destroyed several towns, but were unable to bring the Indians to battle.

The well known expedition of General Harmar occurred in the autumn of the same year. He led into the Indian country, three hundred and twenty federal troops, and eleven hundred and thirty-three Kentucky volunteers, commanded by Colonel John Hardin, an intelligent and gallant officer. They penetrated into the Miami country, and laid waste the corn-fields of the Indians, and having accomplished the sole object of the expedition, were about to return, when some Indians appeared in the vicinity of the camp. Colonel Hardin was detached with a small party in pursuit of them. After pursuing them for six miles, he fell into a snare which they had prepared for him. The Indians, having divided themselves into two parties, had returned on each side of their own trail, at a distance from it, and then approaching it, had concealed themselves in the tall grass, and were quietly waiting the approach of the Americans. When Colonel Hardin and his detachment had passed into the ambushed spot, the enemy rose, discovering themselves on all sides, like the followers of Roderic Dhu, in the splendid conception of Scott, and standing exposed in the prairie, fired upon the troops, who were instantly thrown into disorder. The gallant leader endeavoured in vain to rally the panic-struck men. The Indians, greatly superior in number, rushed in upon them, and such as did not find safety in flight, were almost instantly overpowered and slain.

Two days afterwards, the army decamped and com-

menced its march towards the frontiers. At the distance of about ten miles from the ruined villages, the general halted, and detached Colonel Hardin, with a party of four or five hundred militia, and sixty regulars under Major Willis, with orders to return to the site of the principal Indian town, where it was supposed the Indian force might have collected, upon the retiring of our army. On reaching the village, a small body of Indians was seen, who, on being attacked, fled. The militia, eager to be revenged for the recent disaster, and maddened by the loss of many of their friends, dashed off in pursuit, leaving the regulars unsupported. This was precisely the object intended to be effected by the Indians, a part of whom had fled, merely to decoy the militia into a tumultuous pursuit. The main body of the Indians, who were lying in concealment, rose suddenly from their ambush, and with dreadful yells, rushed upon the regular troops. The latter were a small, though brave band, and the savages so numerous as to render resistance hopeless. The onset was of the most desperate character. The Indians, throwing aside their guns, fought with the tomahawk only. Never did men fight with more heroism than Willis and his regulars. Surrounded and overpowered, they met their fate with inflexible courage. For a time, they defended themselves with the bayonet, and made great havoc in the ranks of the assailants. But the savages increased in number, like the heads of the fabled Hydra, and when one fell, several others rushed forward to fill his place and avenge his death. The brave Willis and his whole party were slain; scarcely one was left.

The militia were, in the meanwhile, recalled by their

commander, from the injudicious pursuit in which they had engaged without orders and without caution. They were rallied by Colonel Hardin, and brought into action, too late, however, to relieve the regulars. But they fought bravely, sustained a considerable loss, and at last retired in good order, before a superior force, who, flushed with their recent victory over the regulars, assailed their ranks with the fury of enraged demons. The army of Harmar returned to Kentucky, without further incident.

The officers who were first and second in command of this expedition, were much censured at the time, for its disasters, and it has ever since been popularly known as "Harmar's defeat." The more impartial verdict of history, given on a calm review of all the evidence, will do justice to the names of Harmar and Hardin, and rank these brave soldiers among the defenders of their country, who are entitled to its gratitude. Their successes, and the important objects which they accomplished, have been obscured by their misfortunes; the country mourned the lives that were lost, without reflecting upon the advantages that were gained. The object of the expedition, was to destroy the Indian towns at and near the confluence of St. Mary's and Joseph's rivers. This was completely accomplished, and the Indian power in that quarter was effectually crippled, by the destruction of their whole stock of provisions for the winter. Their villages were burned and their corn-fields devastated. The duty imposed upon this army, was performed; and its disasters, though deeply to be deplored, should not be allowed to throw a shade over the services or the reputation of the patriotic individuals who composed it.

Besides the destruction of their property and means of sustenance, the loss of life was greater on the part of the Indians than on the side of the whites; and that the victory which they claimed, and to which the retreat of our troops entitled them, was dearly bought, is sufficiently evident from the fact, that they neither repeated the attack, nor made any attempt to annoy the army on its return. An army, which had so far secured the respect of a victorious enemy, as to be permitted to march unmolested from a disastrous battle field, was certainly not dishonoured, though it might have been vanquished. The error of Harmar consisted in his dividing his force, by sending out detachments, giving to the enemy the opportunities for practising to advantage the stratagems peculiar to their system of warfare, and exposing our army to the hazard of being beaten in detail. It was thus beaten; but the error in judgment, which produced the result, was not greater than has often been committed by able commanders; and should at least find an excuse in the recollection, that it was preceded by a successful campaign, and followed by an able retreat. Harmar was a brave and accomplished officer, whose character was adorned by many amiable and brilliant qualities. Both he and Hardin, demanded the investigation of their military conduct in this expedition, by courts of inquiry; and both were honourably acquitted.

In the spring of 1791, General Scott and Colonel (afterwards General) Wilkinson, announced their intention to lead an expedition against the Indians, and a thousand volunteers, mounted and equipped with rifles, were assembled, in the course of a few days, at Frankfort. Their march was directed to the mouth of the Kentucky

river, where they crossed the Ohio and struck into the Indian country. They penetrated one hundred and fifty miles into the wilderness, without meeting an enemy; visited the Indian villages on the Wabash, destroyed their lodges and their corn, and returned to Kentucky. The Wea towns, upon the Wabash, twelve miles below Tippecanoe, were surprised. The warriors fled, but a large portion of the women and children were taken, and delivered to the charge of the regular troops at Fort Washington, where they were kept until the peace made by General Putnam with the Wabash tribes, in 1793.

This was one of the first occasions on which the efficiency of mounted riflemen, in a warfare with the Indians, was fairly tried—or perhaps it is more proper to say, that the superiority of this description of troops, was now first made the subject of remark. General Clarke had already made the experiment. The backwoodsmen are expert riders; they love the horse, and are as expert in the management of that noble animal, as in the use of the rifle; and in all the expeditions against the Indians, a portion of the volunteers were mounted. So decided is the preference of the people of the frontier for this mode of warfare, that they are unwilling to take the field in any other manner. But they had heretofore always been accompanied by infantry, whose sluggish movements through the intricacies of the forest, and among the wilds and swamps of the wilderness, impeded their march and damped their ardour; while the Indians, unencumbered with baggage, and more intimately acquainted with the country, reaped the full ad-

vantage of their capacity for rapid marches and sudden attacks.

General Wilkinson, who, whatever may be the opinion entertained of his character in some other respects, was, undoubtedly, a gentleman of high courage, of singular address, and considerable military sagacity, is entitled to the credit of having been the first to notice these circumstances, and to insist publicly, on the expediency of employing mounted riflemen alone, in hostilities against the Indians. Immediately after his return from the last expedition, he spoke and wrote in favour of the employment of this description of troops; and in July of the same year, published a notification, inviting five hundred volunteer horsemen to accompany him on an expedition into the territory north-west of the Ohio. It was announced, that Colonel John Hardin, and Colonel James M'Dowell, both of whom were popular leaders, would serve under him as majors. Such was the mode of conducting these hostilities, at that period. A leader of repute planned an expedition, announced his intention, appointed a place of rendezvous, and the volunteers flocked around his standard. When the enterprise was sufficiently important, and a numerous force required, several gentlemen united as leaders, arranged the plan, settled their relative rank among themselves, and used their combined influence in collecting the number of men required. Thus, Colonel John Hardin, who, on previous occasions, had commanded a much larger force than that now proposed to be raised, served on this occasion as second in command under Wilkinson. It is thus, also, that we account for the numerous military titles, under which we find the distinguished

men among the pioneers denominated. Some of them, designate the proper rank held by these gentlemen in the militia; others, are titles acquired in actual service, during the revolution; and others, show the rank gratuitously conferred upon the voluntary leaders in some military enterprise, by their companions—a rank which gave them actual command for the occasion, and military titles which they retained permanently. These expeditions were extremely popular; the men offered their services cheerfully, and went at their own cost. There was at first, no government except that of Virginia, which was too distant, and too much occupied in acting her distinguished part in the war of the revolution, to afford assistance to the settlements; and the military duty rendered for the public defence, was both voluntary and gratuitous. The men furnished their own horses, arms, ammunition, and provisions; thus expending their substance, and exposing their property as well as their lives, in this patriotic service.

This enterprise of Wilkinson produced no important result, except to show the facility with which troops may be moved by an active officer. He scoured the Indian country for a few weeks, swept over a great extent of territory, devastated some of the villages and fields of the enemy, and returned without having succeeded in bringing the savages into an engagement. Among the towns destroyed by him, was that at the mouth of the Tippecanoe; no other town was built at or near that place, until the establishment of the Prophet's village, which afterwards caused so much trouble to the frontiers of Indiana.

CHAPTER III.

Causes of the failure of several of the Expeditions in the North-western Territory—St. Clair's Campaign.

That the engagements of the regular troops with the Indians in this region, should have been so often disastrous, is by no means surprising; on the contrary, when we reflect on the character of the army, and the circumstances under which our troops were placed, we can only wonder that they should ever have been successful. The troops which had been engaged in the revolutionary war, had been disbanded, and did not, necessarily, form any part of the military peace establishment of the federal government, though many individuals, who had served in the continental line, afterwards entered the army as officers or privates. The first standing army authorized by Congress, was too small to offer strong inducements to gentlemen of talent and enterprise, to embrace the military life as a profession; the officers, therefore, though many of them were high minded, gallant men, were not generally the *elite* of the nation, and a large portion of the men were either worn out old soldiers, or raw recruits of degraded character. The habit of intemperate drinking prevailed to an alarming extent. Among the specimens of the military of that day, who survived the assaults of time, and came down to us as the honoured relics of a past generation, this propensity was strongly developed, and the appellation of *old soldier*, was always

associated with the idea of a hard drinking man. We have, also, some records that attest this fact; the proceedings of courts martial in those days show, that the charge of drunkenness was more than once brought home to the gentlemen of the sword; and some of the published reminiscences of the old heroes, attest the same lamentable truth. General Eaton has left a list of some of his companions, in which the expressive phrases, "*dead per brandy*," "*dead per ditto*," occur with melancholy frequency. Public opinion had not then placed the stamp of disgrace upon that species of dissipation, and military discipline, although severe, was imperfect.

Our government was then but recently organized, and the war department had not acquired character or stability. It was the branch of the executive which was least esteemed. The standing army had been made the theme of bitter party denunciation, had been pronounced dangerous to liberty, and had been stigmatized by the demagogues of the day, with the bitterest and foulest epithets in the vocabulary of party invective. It was decidedly unpopular. While, therefore, it appeared certain, that neither its numbers, nor the respectability of its appointments, would be enlarged by the deliberate action of government, it was doubtful whether the whole establishment would not be swept off as a nuisance. Congress made appropriations for military purposes with reluctance; and there was little to encourage the war department, in making any decided efforts to improve the service, or sustain the reputation of the army.

The government was poor, and our councils were distracted. These facts have not been made sufficiently prominent, by those who have commented upon the ser-

vices and sufferings of the soldiers and the first settlers in the west, nor considered, with the attention they deserve, in connexion with the rapid improvement of our country, and the vigorous growth of our institutions. The pioneers first penetrated into the western forests, during the stormy period of the revolution, when our infant nation was struggling in the grasp of a powerful antagonist, and gasping for existence. At a period a little later, the government was unsettled and powerless. The patriots of the revolution had willed that we should be free; but it required many years, and much fierce contention, to determine the precise character and extent of the freedom for which they had successfully fought. Parties, equally adverse to rational liberty, which advocated the high-toned principles of aristocracy on the one hand, and the ferocious dogmas of unlicensed democracy on the other, were engaged in controversy, and struggling for the ascendancy. By one or the other, almost every national institution, and every branch of the political economy of the country, was denounced and sought to be prostrated; and the government, unwilling to expend its limited resources upon an unpopular or an evanescent institution, was uncertain what institution to foster, and which to leave to its fate.

The army was left to sustain itself—miserably paid, wretchedly clad, badly supplied, and carelessly governed; its honour was supported alone by the patriotism and gallantry of those who composed it. At the same moment, when the navy was withering under the hostility of the government and the indifference of the people, the army was sinking under the effects of popular fury and executive coldness.

Under such circumstances, troops were raised for the defence of the western frontiers. They were not authorized by Congress without opposition. There were some who objected to the prosecution of any tramontane wars, because they doubted the expediency of attempting to extend the territorial limits of the United States beyond the Alleghanies. Some affected to question the right of Congress to acquire new territories, not embraced within the actual boundaries of the original states of the confederacy; and some, consulting a timid prudence, foresaw in any attempt to possess the broad lands of the west, by military occupancy, a series of bloody and expensive wars with the British, the Spaniards, and the countless hordes of fierce aborigines, who would be incited and supplied by both those powers; while none knew, and few imagined, even in the wildest dreams of speculation, the width, the fertility, the resources, the inexhaustible treasures of national wealth, and the boundless field for individual enterprise, which lay concealed in silent splendour, amid the shadows of the western forests. The troops, therefore, who were sent to the west, were not supported by the enthusiasm of national pride; neither the hopes of the people, nor the steady confidence of the government, stimulated their ambition, or supported them in the patient endurance of fatigue and danger. The pride of individual character, and the sense of military duty, may do much to sustain men under the pressure of danger; but brilliant results have seldom attended any military enterprise, which did not enlist the sympathies of the people, and hold out the bright rewards of fame.

It should also be recollected, that while the Indians possessed greater physical and numerical strength, more

ardour and confidence than at present, with the same military knowledge and discipline which they now exhibit, the tactics of European warfare were in a state infinitely inferior to that in which we see them. They had not the advantage of any of those countless improvements in the mechanic arts, which have given such completeness and finish to the weapons and equipment of the modern soldier. Their movements were heavy, complicated, and ill adapted to partisan warfare. The simplicity, the rapidity of evolution, and the concentration of force, which the genius of Napoleon, and of the galaxy of brilliant men by whom he was surrounded, introduced into military operations, were then unknown. In the comparison, therefore, between the savage and the civilized warrior, the Indian occupied a higher ground at that period than at the present time; he has deteriorated, while we have advanced.

A mistaken opinion was long entertained of the prowess, as well as of the military capacity of the Indian warrior. A variety of circumstances had contributed to invest the red men with higher attributes than they really possessed, to give them a repute to which they were not entitled, and to throw a gratuitous terror around them, which caused the courage of the disciplined soldier to sink into a mysterious dread as he penetrated into the wilderness, and the blood to forsake his cheek, when he heard the terrific sound of the war-whoop. It was difficult to overcome this panic. The dreadful cruelties of the Indians, their butchery of the helpless, their torture of the prisoner, the cunning with which they sometimes entrapped their enemies, and the fury with which they rushed upon an unprepared or inferior enemy, all contributed to

produce an awe among the soldiery, which was not easily removed. A few successes on the part of the savages, strengthened the belief in their superiority; and there has been more than one period in our history, when they gained advantages from the panic created by ignorance of their force and their character.

In addition to all the other unpropitious circumstances to which we have adverted, was that of being obliged to operate in a wilderness, without magazines, without any dépôts of supplies, and through which it was difficult to transport the baggage and munitions which were absolutely indispensable. Entirely cut off from the settled parts of the country, an army acting in the west at that time, could look for no support in any emergency. What they lost in battle could not be supplied by reinforcement; if their provisions or ammunition became destroyed by accident, or diminished by capture, the deficiency was irreparable. Months must roll away, before the government could be advised of any disaster, of any change of plan, or other vicissitude which might render aid or advice desirable.

But perhaps the most efficient cause of the failure of the regular troops, on several occasions, was the system of tactics used in battle. The troops were formed in close order, under the plan of Steuben, which was adapted only to the warfare of disciplined armies. Wayne, with more judgment, introduced the system of forming his men in open order, extending his lines so as to prevent the enemy from turning his flanks, and strengthening both the rear and flanks by reserves. The same plan was adopted by his successors, and by none with more

brilliant success than General Harrison. A regular army thus formed, cannot be defeated by Indians.

These remarks occur forcibly to our minds, when we contemplate the events of the disastrous campaign of St. Clair, and reflect upon the odium incurred by a deserving patriot, and the blight which fell upon a brilliant character, in consequence of a single military miscarriage. Neither the capacity nor the courage of St. Clair admit of doubt. He was a soldier of spotless reputation. His talents were commanding, and his experience great. The force placed under his command was larger than any that had previously acted against the Indians in this region, and some of the officers under him were gentlemen of high reputation. The object of the campaign was the destruction of the Indian towns upon the Miamies; a purpose which, we have seen, had more than once been effected by small bodies of men, under less distinguished leaders. The army, consisting of about fourteen hundred effective troops, moved from Fort Washington in September, 1791, and seems to have been conducted with abundant caution. Two forts were erected by the army as it proceeded, about forty miles from each other, as places of deposit, and resting points for the security of convoys which might follow the troops, and for the safety of the army itself in case of disaster. The march was slow and laborious; delayed by the opening of a road, and by the adoption of measures of abundant precaution. Two months were occupied in tardy marches, enlivened only by occasional skirmishes with the enemy.

The campaigns of Clarke and St. Clair afford, by contrast, admirable illustrations of the different modes of warfare adopted against the Indians, while they show

conclusively, the excellence of the one, and utter futility of the other. Clarke moved with light troops, unencumbered by baggage, and neither halted to establish posts, nor to open roads. He marched so rapidly that the enemy had no time to penetrate his designs, or anticipate his movements. The blow fell before they were aware of the point at which it was intended to strike—perhaps while they were yet ignorant that it was impending; and he retired before the dismay produced by his sudden approach had subsided, before the shock of the onset could recoil upon himself, or the scattered forces of the enemy could be rallied. St. Clair, at the head of an imposing force, was retarded by the very strength which was intended to render his expedition formidable, and the precautions used for the security of his army; while the enemy avoided his approach with facility, impeded his march, and retaliated his attacks. The fault was not in the leader, but in the plan of the campaign, and the kind of troops employed. All that an able commander could effect with such a force, under the circumstances by which he was surrounded and overruled, was accomplished by General St. Clair. The brilliant talents of this brave soldier and veteran patriot were exerted in vain in the wilderness. The wariness and perseverance of Indian warfare created every day new obstacles and unforeseen dangers; the skill of the experienced leader was baffled, and undisciplined force prevailed over military science. The art of the tactician proved insufficient, when opposed to a countless multitude of wily savages, protected by the labyrinths of the forest, and aided by the terrors of the climate. At a moment of fancied security, his troops were unexpectedly assailed upon all sides, by a numerous and well

organized foe, who had long been hanging upon his flanks, and had become intimately acquainted with his strength, his order of encampment, and the distribution of his force—who knew when to attack, and where to strike. The officers acted with their accustomed intrepidity, but the men quickly became panic-struck, and a scene of dreadful confusion ensued; and after a short, though gallant resistance, our troops commenced a disorderly flight. The Indians pursued for about four miles, slaughtering all who fell into their hands, and filling the air with their yells of triumph, until their avidity for plunder called them back to the deserted camp, where the spoils of the vanquished troops were to be divided among the victors. The flight of the dispersed and beaten soldiers was continued to Fort Jefferson, a distance of thirty miles. The loss on this occasion, owing to the too close order in which the troops were formed, was mournfully great; thirty-eight officers and nearly eight hundred men were slain. A committee of the House of Representatives in Congress, appointed to investigate the causes of the failure of this expedition, in the most explicit terms, exculpated the commander-in-chief from all blame, and add their opinion, “that as his conduct, in all the preparatory arrangements, was marked with peculiar ability and zeal, so his conduct during the action furnished strong testimony of his coolness and intrepidity.” Judge Marshall remarks, with his usual felicity of manner, “more satisfactory testimony, in favour of St. Clair, is furnished by the circumstance, that he still retained the undiminished esteem and good opinion of the President.”

We shall only allude to the successful campaign of General Wayne. It is too well known to require more

particular notice. By dint of rigid discipline, indefatigable exertion, and above all, a remarkable talent for Indian warfare, he redeemed the frontier settlements from destruction, and inflicted a heavy vengeance upon our tawny neighbours.

In reference to all these wars, it has never been sufficiently urged, that they were but a continuation, and a protracted sequel to the war for independence. For years after the United States had been acknowledged as a nation, Great Britain continued to hold a number of military posts within her north-western limits, and to urge a destructive warfare through her savage allies. Though peace was nominally established, there was in fact no cessation of hostilities—the seat of war was only transferred to the shores of the Ohio, and the mother country never ceased to indulge the hope of reuniting the severed colonies to her empire, until the war of 1812 crushed the last vestige of her delusive anticipations. It was against Britain that St. Clair, Harmar, Wayne, and Harrison fought; and they, with others who bled in the western wilds, contributed as much to the purchase of our independence, as those who fought for our birth-right at an earlier period. The struggle for liberty was commenced and gallantly maintained on the shores of the Atlantic—it was carried on by the pioneers through long years of peril, and was only closed by the brilliant successes of the last war.

PART VI.

CIVIL INSTITUTIONS OF THE TERRITORIES AND NEW STATES.

CHAPTER I.

Settlement of Ohio—Constitutions and Laws of the New States—Cessions from the Original States—Ordinance of 1787.

We have devoted a considerable portion of this volume to the detail of the military adventures of the people of the west, because we have thought proper, in attempting to sketch the spirit of their history, to show the character of difficulties which they were obliged to encounter, as well as the gallant spirit with which those dangers were met and overcome. We shall not repeat, in relation to the newer states, the recital which has been given in reference to Kentucky. The history of the privations and hardships of the pioneer, is every where alike romantic and wonderful. The settler came to the wilderness with his family, erected his log cabin, and commenced the arduous labour of clearing away the forest. The obstacles which nature threw in his way, and which were inseparable from his condition,

were, in themselves, sufficiently distressing to have appalled the minds of men not gifted with more than an ordinary fortitude. They left behind them all the comforts of life. They brought but little furniture, but few farming implements, and no store of provisions; until their lands were cleared and brought into culture, and their domestic animals became productive, they depended for subsistence chiefly upon the game of the forest. They ate their fresh meat without salt, without vegetables, and in many instances without bread; and they slept in cabins, hastily erected, of green logs, and in which they were exposed to much of the inclemency of the weather. To their other sufferings, that of sickness was often added; and they found themselves assailed, in situations where medical assistance could not be procured, by diseases of sudden development and fatal character.

While thus overburthened by toil and assailed by disaster, the settler found employment for all the energy of his character, and all the inventive powers of his mind; the savage was watching with malignant vigilance, to grasp every opportunity to harass the intruder into the hunting grounds of his fathers. Sometimes he contented himself with seizing the horses, or driving away the cattle of the emigrant; depriving the wretched family of the means of support, and reserving the consummation of his vengeance to a future occasion; sometimes with a subtle refinement of cruelty, the Indian warrior crept into a settlement by stealth, and created universal dismay, by stealing away a child, or robbing a family of the wife and mother; sometimes a father was the victim, and the widow and orphans were

thrown upon the protection of the friends, who, on such occasions, were never deaf to the claims of the unfortunate; while as often, the yelling band surrounded the peaceful cabin at the midnight hour, applied the fire-brand to the slight fabric, and murdered the whole of its defenceless inmates. Retaliation followed; the back-woodsmen mounted their horses, appointed a leader, and followed the trail of the retreating marauders. If the parties met, the conflict was fierce, and the catastrophe decisive; if the Indians escaped, the blow fell upon their village, or that of some other tribe, and the spoil taken in the act of reprisal, was often greater than that gained by the original offence. Thus, injury led to revenge, and successful vengeance to repeated hostility and deeply rooted hatred.

We shall now take leave of these military details, and proceed to speak of the civil institutions of the new states.

We have seen, that while Kentucky was becoming settled, Ohio was the chief residence of those numerous and hostile tribes, whose predatory incursions kept the whole frontier in a state of continual terror; and that this country was often made the seat of war, by the retaliatory expeditions which were led into it by the different American leaders. It was not until the year 1788, that an attempt was made to settle the northern shore of the Ohio. A colony from Massachusetts, led by General Putnam and Doctor Cutler, founded the town of Marietta in that year.

The most important settlement, however, in the territory north-west of the Ohio, and the one which led to the most important consequences, was that commenced

by Judge Symmes, in the year 1789. This gentleman contracted with Congress, for the purchase of a million of acres of land, between the Great and the Little Miami; but in consequence of a failure on his part to make the stipulated payments, did not become the proprietor of so large a tract. The patent which finally issued to him and his associates, included only 311,682 acres, of which only 248,540 became private property; the remainder, consisting of reservations for a variety of public purposes, chiefly for the use of schools and the support of religion.

A similar grant was made a few years afterwards to a colony of French, who settled the village of Gallipolis; and another was made to Connecticut, and settled by an enterprising population from that state, whose industry and peculiar modes of thought and character are still existing in strongly marked development, in the district now called the Connecticut Reserve.

The constitution, laws, and civil institutions of the new states, are worthy of attention, inasmuch as they often exhibit novel experiments in legislation and government. If these are often anomalous, and sometimes absurd, they will more frequently be found to embrace beneficial improvements, which tend to advance the science to which they belong; and they always afford subjects of study, which may be examined with advantage by the enlightened statesman. The original states, which at first formed the American confederacy, having been in existence previous to the revolution, did not create, but rather altered their forms of government; and little change took place in any of the civil departments, whose organization, under the new governments, was necessa-

rily adapted to the existing institutions. An entire revolution, which should have pervaded all the details of the municipal policy, would neither have been convenient nor acceptable to the people ; for however averse the colonists might have felt to the tyranny of the British government, there was no general distaste for the laws to which they had always been accustomed. It was not, the system of English common law to which they objected, but the perversions of that system by the ministry. Upon separating from the British government, therefore, they did little more than to erect another in its stead, without changing materially the civil institutions of the country. Many of the absurdities which had been handed down by prejudice, from the days of ignorance and intolerance, became thus ingrafted into our free systems of government, and were suffered to remain, partly from that veneration which we feel for whatever has been consecrated by time, and partly in consequence of a prudent reluctance, on the part of our rulers, to adopt any violent changes. Most of the forms of proceedings in civil courts, the fictions in pleading, the jargon of legal phrases, and even some very important principles, such as imprisonment for debt, and laws against usury, became thus interwoven with our institutions, not from any absolute choice on our part, but simply because we found them in existence.

In legislating for the new states, the people were untrammelled. All was to be created, and they had the examples of the older states to guide or to warn them. The constitutions and laws of the new states, therefore, will be found to exhibit peculiarities, which distinguish them as much from each other as from the older states.

In general, they have simplified the details of public business, and curtailed the public expenditures. They have adhered tenaciously to democratic principles, retaining in the hands of the people every power which could be conveniently withheld from the rulers. The great majority of their officers are elected immediately by the people, or by the legislature. Elections are frequent, and the exercise of suffrage general. The right of the people to instruct their representatives, at all times, is universally admitted, and in some states, expressly recognised in the constitution. Imprisonment for debt, and laws against usury, are generally abolished, or greatly modified. These, and a few other particulars, in which we have improved upon the legislation of the older states, or preceded them in the march of improvement, furnish subjects worthy of the consideration of the lawyer, the politician, and the historian.

There is another peculiarity in the constitutions of some of the new states, arising out of their relations with the general government. At the time of the confederation of the old thirteen states, all the vacant land within, or upon the boundaries of the individual states, was justly claimed to belong to them respectively; and it became, at an early period, a question of much moment, how far the ownership of such lands, by the original states, and the formation of future states out of them, might affect the peace of the union. The principle was soon recognised, that the boundaries of the old states should be defined; and that all lands beyond those boundaries, and not included within the limits of any state, should belong to the union.

This question was not settled without some discussion,

and much collision of opinion; and its amicable arrangement may be attributed to the magnanimity with which Virginia surrendered a claim, which seems to have been better supported than any other. Under the terms of her charter, she held an extension of her territory, westwardly, to the utmost limits of the union—the Mississippi and the lakes. By the settlement of Kentucky by her citizens, and the organization of civil regulations there, she had occupied the country as far as the Ohio, and left no room for cavil, as to any territory on the eastern shore of that river. Colonel Clarke had carried her victorious arms to the Mississippi, and had formally taken possession of the north-western territory in her name; the conquered country was erected into a county by the name of Illinois, by the legislature of Virginia, and troops voted for its defence. Virginia, therefore, had all the title which could be given by charter, by conquest, and by possession.

Massachusetts, Connecticut, and New York, respectively, advanced claims to parts of the same territory, which were too vague to deserve much consideration, but which served to embarrass the councils of the nation, by the pertinacity with which they were urged; and the United States maintained, that a vacant territory, wrested from the common enemy, by the united arms and common treasure of all the states, ought, of right, to belong to the union. There was, in this argument, a great deal of plausibility, and some justice, but it was far from being conclusive. The position, that the country could be properly called *vacant*, a portion of which was in the possession of Virginia, and all of which was embraced in her charter, admits at least of question; and

if a part of the territory alluded to, was conquered by the united arms of all the states, another portion was certainly not thus obtained, but was rescued from the enemy by Virginia, or her citizens.

New York, who had no claim, but that of the Six Nations, over whom she claimed sovereignty, and who are not known to have been ever permanently established in any portion of this region, was the first to relinquish her title. In the year 1780, she authorized her delegates in Congress, to agree to the restriction of her western boundary, by such limits as they should deem expedient, annexing to her act the condition only, that the territory to which she relinquished her claim, should be appropriated to the common benefit of all the states embraced within the federal alliance.

In the same year, a resolution was adopted by Congress, declaring, that the lands which might be ceded to the United States, by the states individually, should be disposed of for the common benefit; that they should be settled and formed into states, with suitable boundaries, and become members of the federal union, with the same rights of sovereignty, freedom, and independence, as the other states; that the expenses incurred by any state, in subduing British posts, and in the acquisition of territory, should be reimbursed; and that the lands ceded, should be granted and settled, agreeably to regulations to be made, from time to time, by Congress.

The pledge thus given by Congress, having removed the scruples of Virginia, that patriotic state agreed to relinquish her valuable domain in the west, for the general good. By the cession of the year 1784, the state of Virginia ceded to the United States, all the right of that

commonwealth to the territory north-westward of the river Ohio, upon certain conditions, which were accepted by Congress. These conditions were, in substance, as follows:

That the said territory should be divided into not less than three, nor more than five distinct republican states; which states should be admitted members of the federal union, having the same rights of sovereignty, freedom, and independence, as the other states.

That the French and Canadian inhabitants, and other settlers of "the Kaskaskias, St. Vincents, and the neighbouring villages," should have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties.

Certain lands were reserved for General George Rogers Clarke, a warrior, illustrious in the history of this country, and the officers and soldiers who served under his command.

All the lands so ceded to the United States, and not reserved as above, "shall be considered as a *common fund*, for the use and benefit of such of the United States, as have become, or shall become, members of the confederation or federal alliance of the said states, Virginia inclusive, according to their actual respective proportions in the general charge and expenditure, and shall be faithfully, and bona fide disposed of for that purpose, and for no other purpose whatsoever."

Massachusetts relinquished her pretensions in 1785; while the tardy sacrifice of Connecticut, was made in 1786. Neither of these states seem to have had any title; yet Connecticut persisted in her claim to the last, and was only induced, at last, to follow the example of

other states, by a large and valuable consideration in lands; the sale of which has formed the foundation of her fund for the support of common schools.

South Carolina, North Carolina, and Georgia, respectively ceded to the United States, their lands west of the mountains, extending to the Mississippi.

The United States, having thus become the sole proprietary of what have since been called the *public lands*, the nation was rescued from evils of the most threatening and embarrassing aspect. The claims of foreign nations, adverse to our own, to the expanded regions lying west of the several states, and extending to the Pacific, were extinguished—the boundaries of the then frontier states were defined, and they were prevented from growing to an inordinate size, and acquiring an undue preponderance in the government—the interfering claims of several states to the same territory were silenced—but above all, the general government, in acquiring the sole jurisdiction over the vacant lands, was enabled to establish an uniform system for their settlement, and the erection of new states. The disinterested policy of the states which made the cessions, cannot be too highly applauded. Virginia, in particular, whose claim was the most extensive, as well as the best supported, and who was in the actual possession of the territory, displayed a magnanimity which entitles her to the lasting gratitude of the American people.

Having thus acquired the sovereignty and proprietary possession of the public domain, the Congress of the United States proceeded to pass the ordinance of 13th July, 1787, which has since been justly regarded as of the highest importance. By that instrument, it was

provided, that the inhabitants in said territory should be subject to pay a part of the federal debts, contracted, or to be contracted, and a proportional part of the expenses of the government, to be apportioned on them by Congress, according to the same common rule and measure, by which apportionments thereof should be made on other states.

“The legislatures of those districts, or new states, shall never interfere with the primary disposal of the soil by the United States, in Congress assembled, nor with any regulations Congress may find necessary, for securing the title in such soil to the *bona fide* purchasers.

“No tax shall be imposed on lands, the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and the St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, duty, or impost therefor.

“There shall be formed in said territory, not less than three nor more than five states; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established, as follows, to wit: The western state in the said territory shall be bounded by the Mississippi, the Ohio, and the Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada;

and by the said territorial line to the Lake of the Woods and the Mississippi. The middle state shall be bounded by said direct line, the Wabash, from Post Vincents to the Ohio, by a direct line, drawn due north from the mouth of the Great Miami to the said territorial line.

“The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line; provided, however, and it is further understood and declared, that the boundaries of these three states shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of said territory, which lies north of an east and west line drawn through the southern bend or extreme of Lake Michigan. And whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original states, in all respects whatever; and shall be at liberty to form a permanent constitution and state government; provided the constitution and government, so to be formed, shall be republican, and in conformity with the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state, than sixty thousand.

“There shall be neither slavery nor involuntary servitude, in said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; provided, always, that any person escaping into the same, from whom labour or service is lawfully

claimed in any one of the original states, such fugitive may be lawfully reclaimed.

“Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools, and the means of education, shall be forever encouraged. The utmost good faith, shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws, founded in justice and humanity, shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.”

The ordinance proceeded to guaranty to the citizens of the newly acquired territory, those rights which were reserved to the people in the constitutions of the several states, and which were considered as fundamental; the benefit of the writ of habeas corpus, and of the trial by jury—the representation of the people in the legislature, and judicial proceedings according to the course of the common law—religious toleration—security from immoderate fines, and from cruel and unusual punishments—and the unalienable right to full compensation for property or services required for the public use. And for the just preservation of rights and property, it was declared, “that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever, interfere with, or affect private contracts or engagements, bona fide and without fraud, previously formed.”

The ordinance, also, contained provisions for the or-

ganization and government of the north-western territory, of which we shall speak separately; the latter being considered as temporary regulations for the present governing of this region, while the principles which we have pointed out were intended as fundamental maxims, of permanent application, upon which the civil and political institutions, thereafter to be established, either by the United States, or the local authorities, were to be based.

In the new states, therefore, the general government is the original proprietary of the soil, and, as many laws of vital importance to the people, emanate from Congress, which in other states would result from state legislation, the relation to the federal government is more intimate here than in the other members of the union. This connexion is distinctly seen, and its influence acknowledged. The power which holds the soil, controls its sale, and establishes, in the first instance, the titles to real estate, exerts a sway over the interests of the citizen, of the most direct and controlling character.

CHAPTER II.

Early Civil Institutions—Constitution of Kentucky—North-western Territory—Ordinance of 1787—Formation of Indiana Territory—Her Difficulties—Admission of Ohio into the Union.

There are no circumstances under which the mind acts with more vigour, than in the midst of such scenes as those which form the subject of these volumes. When society is in its forming state—when civil institutions are to be created—when public sentiment is to be directed, and laws to be framed—those who are entrusted with the management of public affairs are called upon to exert the highest powers of understanding, and the most active energy of invention. The founders and lawgivers of a new empire, without the aid of precedent to guide them, must adapt their measures to the anomalous condition in which they are actually placed, while they must provide for the thousand contingencies which political foresight can but dimly discern through the vista of futurity.

If the art of governing be, as has been asserted, the most dignified, as well as the most difficult of human sciences, the early legislators and rulers of our new states are entitled to a large tribute of gratitude and admiration. They had to learn, as well as to practise, the maxims of political economy. Most of them emigrated when young, with little legal knowledge, and no political experience. Few of them had drank deeply at the fountains of knowledge, either by commerce with the world,

or by an elaborate course of study. Yet their labours were more arduous and complicated than those of ordinary statesmen. They had to ascertain the wants, and to develop the resources of a new country—to make laws, and provide for their execution—to divide the territory, and erect local jurisdictions—to protect an extended frontier—to unite and govern a scattered population, collected from various parts of the union. In the performance of these duties, they were obliged to rely chiefly upon the guidance of their own common sense; for they had no maps, books, or collections of statistics. When we consider these facts, and then examine the existing institutions of the western states, or trace the course of legislation back to its beginning, we are surprised to find how much clearness of thought, and purity of purpose, were brought to this great work. Although occasional marks of improvident legislation, or bad government, will be found, it will be seen that the great principles of freedom have been preserved inviolate; that life, property, and character, have been held sacred; that irreligion, vice, and crime, have been discouraged, and industry has been protected. Above all, it will be found, that however we may doubt the soundness of the policy which has obtained in particular cases, the tendency of the whole system of government has been salutary, and the prosperity of the country unexampled. Wisdom is best recognised in its results; and when we claim a high place for the early rulers of the west, we have but to point to the fruits of their political sagacity.

Kentucky having formed a part of Virginia until she became a state, was never, at any time, under that peculiar species of government which we term *territorial*,

and which forms such a strange anomaly in our republican system. She passed at once to the dignity of a sovereign state, without being obliged to undergo the disagreeable vassalage of that colonial existence, to which the newer states have been unavoidably forced to submit, during their minority.

Previously to her elevation to the dignity of a state, we find her citizens frequently assembled in convention, to consider the situation of the country, to petition for the redress of grievances, and to suggest to the legislature of Virginia such laws as would be acceptable to the western people, and suited to the circumstances in which they were placed. It is remarkable, that although in Virginia the right of suffrage had always been, and still continues to be, confined to freeholders, the Kentuckians, their descendants, did not, even in the earliest exercise of their elective franchise, require that the voters should possess a property qualification. In selecting delegates to those voluntary assemblages, as well as to the subsequent constitutional bodies, the people all voted.

The state constitution of Kentucky, framed in 1792, will be found to bear a close analogy to that of the United States, then recently adopted. The one, like the other, was the result of the principles which led to the revolution; and the fruit of the experience, the pure patriotism, and the mature thought, of those sages who had brought the whole energies of their minds to bear upon the subjects connected with the social state, and the political rights of man. These principles had been ably developed, and widely disseminated, in books, pamphlets, and newspaper essays, in which were contained a force of argument, a beauty of style, and a richness of classical allu-

sion, such as the writers of our country have not exhibited, to a great extent, at any subsequent period. The *Federalist*, especially, written by Hamilton, Madison, and Jay, stands unrivalled among political treatises,—a splendid specimen of profound thought, acute reasoning, and elegant composition.

It is therefore not surprising, that the constitutions formed at that early period of our history, and in the very infancy of our political existence, should have furnished models for all that have been subsequently made, and that the principles contained in them should have continued to be recognised as sound and practical. But few discoveries in the science of government have been made since that time, in reference to maxims which are considered fundamental; though many improvements have been introduced in relation to the details of public business, and the exercise of civil rights, which have given beauty to the system, and added facility to its operations.

The constitution of Kentucky had been in operation but three years, when an attempt was made in the legislature, in 1795, to call a convention, for the purpose of having it amended; not on account of any objection to its principles, but in consequence of a popular ferment, occasioned by the non-passage, by the legislature, of “An act concerning occupying claimants of land.” This act passed the house of representatives in 1794, but was rejected in the senate then, and each succeeding year, until '97, when it passed. The senate having refused to pass a popular act, it was plausibly objected, that the constitution must be defective, which retained in office, for several years, independently of the people, the sena-

tors who refused to obey the popular voice. But it was not until after several elections, and much fierce contention, that a convention was actually called, which, in 1799, remodelled the constitution.

In the new constitution, the objection which had been urged against the one previously in force, does not appear to have been obviated. It would seem, that upon mature reflection, the people did not object to the term for which their senators were chosen. The best evidence of the causes which suggested the propriety of a change in the constitution is to be found in the changes themselves, which were doubtless such as experience pointed out as necessary. By the first constitution the governor and senators were chosen by electors, who were elected by the people; by the second constitution, these officers were chosen directly by the people. Under the first constitution, the sheriffs were elected by the people; the new constitution provided, that, "when the time of a sheriff for any county may be about to expire, the county court for the same (a majority of all its justices being present) shall, in the months of September, October, or November next, preceding thereto, recommend to the governor two proper persons to fill the office, who are then justices of the county court; and who shall, in such recommendation, pay a just regard to seniority in office, and a regular rotation. One of the persons so recommended shall be commissioned by the governor, and shall hold his office for two years, if he so long behave well, and until a successor be duly qualified." The effect of this arrangement, which is by far the best mode of selecting sheriffs that has been practised in the United States, has been, to give the office, in regular rotation, to the senior

magistrate of the county. The only other change in the constitution, provided for the election, by the people, of a lieutenant governor, who is, *ex officio*, speaker of the senate, which last officer had previously been elected by the senate.

The territory north-west of the Ohio, having become the property of the United States, and its population not being sufficiently numerous to authorize the erection of the state governments provided for in the ordinance, it became necessary for Congress to devise some plan, by which the inhabitants might enjoy the protection of law, and the operation of civil regulations. The national legislature was called upon to make laws for a people, who had no voice in electing the members of that body, and no representative upon its floor—to govern a territory belonging to the union, yet not strictly embraced within it.

The form of government thus devised, to suit the exigency of a case not previously contemplated, and not provided for in the organization of the federal union, was contained in the ordinance of 1787, before alluded to.

The whole territory lying north and west of the Ohio, extending to the Mississippi and to the northern lakes, was comprehended within one district, for temporary government. Provision was made for the appointment, by Congress, of a governor, who should hold his office for three years, who should reside in the district, and have a freehold estate therein in one thousand acres of land; a secretary, to continue in office four years, to reside in the district, and have a freehold therein of five hundred acres; and a court, to consist of three judges, to

reside in the district, to possess a freehold of five hundred acres each, and to hold their commissions during good behaviour.

“The governor and judges, or a majority of them, shall adopt and publish in the district, *such laws of the original states*, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time; which laws shall be in force in the district, until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards, the legislature shall have authority to alter them as they shall think fit.”

All magistrates and other civil officers, and all militia officers below the grade of general officers, were to be appointed by the governor; general officers in the militia were to be appointed by Congress.

The sole power of dividing the district into counties and townships, was also vested in the governor.

The simple form of government thus provided, and which served as the model of those of other territories, subsequently erected, as they successively came into operation, was termed, in popular language, the *first grade* of territorial government. It will be perceived, that under this organization, the people of the territory had no voice, nor any representation; the whole legislative power being reserved by Congress, except the portion which was delegated to the governor and judges, while the latter were restrained from adopting any laws, but such as were already in force in some of the states of the union; and the appointing power vested in the governor, was more extensive than has ever been entrusted by any state to its chief magistrate. This, however,

was considered as merely a temporary arrangement, of brief continuance; and the most ample provision was made, in the same ordinance, for the gradual extension to the people of the right of suffrage, and the power of self-government.

The following article prescribes the mode by which the territory was permitted to advance from the *first* to the *second grade* of territorial government.

“So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided, that for every five hundred free male inhabitants, there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five, after which, the number and proportion of the representatives shall be regulated by the legislature; provided, that no person shall be eligible, or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident of the district, or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same; provided, also, that a freehold of fifty acres of land in the district, having been a citizen of one of the states, and being a resident of the district, or the like freehold and two years’ residence in the district, shall be necessary to qualify a man as an elector of a representative.

“The representative thus elected, shall serve for the term of two years.

“The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress, any three of whom to be a quorum; and the members of the council, shall be nominated and appointed in the following manner, to wit: as soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together; and, when met, they shall nominate ten persons, residents of the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint, and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom, Congress shall appoint and commission for the residue of the term; and every five years, four months, at least, before the expiration of the time of service of the members of the council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom, Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills,

having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve, the general assembly, when, in his opinion, it shall be expedient.

“As soon as a legislature shall be formed in the district, the council and house, assembled in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with the right of debating, but not of voting, during this temporary government.”

This ordinance was passed by the Congress assembled under the articles of confederation, and an act was subsequently passed, on the 7th August, 1789, merely making such alterations as the adoption of the constitution of the United States, since the passage of the ordinance, had rendered necessary. The only important change, was the vesting in the President of the United States the appointing power, which had previously been exercised by Congress.

An examination of the ordinance of 1787, furnishes some interesting matter for reflection. It contains several provisions besides those which we have extracted, by which certain rights are declared to be unalterably reserved to the people, and which are merely declaratory of the principles which were then considered as fundamental, and necessary to the republican form of government. Those which we have omitted, are such as are common to the constitutions of the United States, and the individual states. But we find intermingled

with some of the noblest principles of benevolence, and some of the soundest maxims of republicanism, other features of policy, which are not consonant with the notions of government which now prevail, nor with the ideas of popular right, which experience has taught, and on which the wisdom of the nation has settled down.

The power vested in a territorial governor was very great. He not only made nearly all the appointments within his district, erected counties, and fixed their geographical boundaries; but he completely controlled the legislature, by possessing beyond the ordinary power of giving sanction to their laws by his assent, that of convening, proroguing, and dissolving, the general assembly, at his pleasure.

The intervention of Congress, in the selection of the members of one branch of the general assembly, and the reservation of the right to remove the members, was also a singular feature in that ordinance, and exhibits a jealousy of the popular will, and a doubt of the capacity of the people to think for themselves, which all subsequent experience has shown to be without foundation.

In relation to all the officers appointed by Congress, except the judges, after limiting the terms during which their commissions shall continue in force, it is carefully stated, "*unless sooner revoked*;" a precaution, which shows the determination of the federal government, not only to legislate for her territories, but to reserve the patronage, and hold in her own hands the reins of government.

But the most remarkable feature in the ordinance, is that by which both the right of suffrage, and that of eligibility to office, are made dependent upon a property

qualification. The people of Kentucky, coming from the body of the citizens of Virginia, where a property qualification existed, and was a favourite principle, resorted, without hesitation, to the practice of universal suffrage, at a period cotemporaneous with the date of this ordinance, as well as in previous and subsequent elections, and incorporated it in their constitution; while the Congress, composed of representatives from states, a majority of which recognised the doctrine of universal suffrage, and adopted it as a principle of the national constitution, repudiated the same principle, in legislating for the territories under the control of the government. The practice thus introduced into the western country, under the sanction of Congress, did not, however, find favour in the eyes of the people; and has not been perpetuated in the constitutions of any of the new states which have been subsequently formed in this region.

By an act of May 7, 1800, the north-west territory was divided into two parts, and placed under separate territorial governments; the western division was called Indiana.

The situation of this territory, the sole government of which was placed in the hands of Governor Harrison, was singularly perilous, and its affairs difficult and complicated. The population was divided into three settlements, so widely separated, that but little could be contributed by either toward the defence of the others. The intermediate country by tribes of Indians who were hostile, and by hunters who were continually embroiled with the savages. There were no roads through the country, nor houses of entertainment between the settlements. Travellers carried their tents and provisions,

while the distance between the settlements rendered the exposure to attacks from the Indians very great. One of these settlements was at the Falls of Ohio, opposite Louisville; another at Vincennes, distant from the first, more than a hundred miles; and the other comprised the French population, in the tract extending from Kaskaskia to Cahokia, on the Mississippi, two hundred miles from Vincennes; Detroit was added, at the formation of the state of Ohio, and Missouri when first purchased.

The immense regions to the north and north-west, were inhabited by various tribes of Indians. The British traders who had penetrated into that wilderness, and were carrying on a lucrative traffic, used every exertion to embitter the minds of the savages against our people, for the purpose of preventing our competition in this business, and often succeeded in exciting them to acts of dreadful atrocity. It will be recollected, too, that the period of General Harrison's administration, was that immediately preceding the war with Great Britain—that, during which our seamen were impressed, our commerce crippled, our flag insulted; and throughout all which, our government was engaged in fruitless negotiations with the British cabinet. The angry feelings produced by that controversy, rendered the prospect of a war probable; and the British government, in anticipation of that event, directed their officers and agents, who were stationed at the posts along our northern frontier, to foment the dissensions between our people and the Indians. Liberal presents were, in consequence, made to the latter, who were plentifully supplied with arms and ammunition, and instigated to acts of bloodshed and plunder; nor were any means spared to excite their dis-

trust towards our government, and to secure their assistance as allies, against us, in the approaching rupture.

Governor Harrison was, as we have stated, the sole commissioner for treating with the Indians within his jurisdiction. All the relations of our government with them, were conducted through him. He was required to treat with them, for the extinguishment of their title to large bodies of land—to keep them at peace with each other, and with the whites—to distribute the customary presents, and make the payments required by former treaties. In the prosecution of these duties, he was continually admonished by our government, to pursue a conciliatory and benevolent course of conduct, to endeavour to subdue the hostile feelings of the Indians by kindness, to allure them to the arts of peace, to avoid every appearance of suspicion, and even to forbear from resenting injuries.

Tecumthe, and his brother the prophet, in the meanwhile, had formed a plan to unite all the western tribes in a league against our people, under the vain expectation that the combined Indian force would be sufficient to drive the whites beyond the mountains. To effect this object, that crafty and daring warrior, traversed the whole frontier, visited the different tribes, and exerted upon them the subtle diplomacy, and the masterly eloquence, in both of which he was so consummately skilled. Nor were these efforts unavailing. Tecumthe was a great man—a bold, acute, original thinker—an accomplished orator—a cunning negotiator—and an able military chief. He was listened to by all with respect, and by many with conviction. Peculiarly gifted with

that kind of tact which distinguishes the artful demagogue, he appealed successfully to the people; and although the chiefs held back, from motives of policy, and the old men paused, the younger warriors panted to follow him to the slaughter and the spoil of the white man.

As a natural consequence of these various intrigues, the Indian propensity for carnage and plunder became excited, and broke out continually in predatory incursions and petty acts of violence; and the governor was frequently appealed to, by the citizens of the territory, to grant them redress, or permit them to take revenge. There was no season of perfect tranquillity; murders were committed, horses were stolen, hogs and cattle were shot in the woods; and scarcely was the indignation awakened by one outrage quieted, before another was perpetrated. On such occasions, the governor was obliged on the one hand to pacify and restrain the citizens; on the other, to admonish and rebuke the Indians. His instructions forbade the stronger measures, which would have effectually prevented the repetition of such offences.

Councils were often held with the Indians, to purchase their lands, or to inculcate upon them the pacific views of the government. Here were various interests to be reconciled, and conflicting passions to be soothed. Some of the chiefs were friendly, and disposed to preserve peace; some were mercenary, and willing to sell their friendship; while others were obstinate in the determination not to sell their lands, or malignantly hostile, and bent on provoking an open rupture. They differed also, in reference to the benevolent advice in regard to their

own conduct, given them by our government; there were those who believed us sincere in our efforts to induce them to live in peace, while others considered this an artful attempt to disarm them, and throw them off their guard, in order that they might be the more easily subdued; and when admonished to abstain from the use of ardent spirits, some admitted the suggestion to be friendly, while others considered this as an impertinent interference with their rights.

The intrigues of the British agents were, at this period, unusually active and audacious. The prospect of a war with the United States, which the unsettled relations of the two governments, at that gloomy period, rendered probable, stimulated them to an extraordinary assiduity in embittering the savages against us, and conciliating their friendship towards themselves.

With minds thus prejudiced, the Indians met the governor in council. Tecumthe, their greatest orator, and the firm ally of the British, was also there, exerting all the energies of his great mind, towards the accomplishment of his own plans, and the circumvention of the views of our government. He left no stone unturned; in council he spoke with bold eloquence, or with artful subtlety, as the occasion required; temporised, doubted, or openly charged our government with ambition and fraud, as seemed to him most politic; while he was secretly intriguing and tampering with all the chiefs in the intervals between the sittings. He more than once planned the assassination of the governor; and at several times, purposely conducted himself with an audacious insolence, which was calculated to produce instant hostilities.

The success which attended these negotiations affords no small proof of the ability, prudence, and firmness of Governor Harrison. They were held at points where there was no sufficient military force to protect the commissioner from treachery, or to enforce respect. The number of Indians assembled, was usually much greater than that of the whites. On most occasions a small guard of militia was, with difficulty, collected from the settlements; and the individuals composing it were under the constant apprehension, that while performing this duty, their families were exposed to the danger of an Indian inroad.

Under these circumstances, Indiana passed through the *first*, and entered the *second* grade of government. It was by men thus surrounded by peril, and cut off from intercourse with the more cultivated portions of our country, that civil institutions were organized, and laws framed, embracing all the various topics of legislation. And under similar circumstances, have all the western states performed the acts required on the part of a people just assuming their political rights, and preparing for admission into the union.

On the 3d of March, 1803, an act was passed by Congress, authorizing the people of the eastern division of the territory north-west of the Ohio, to form a state government, under certain conditions, mutually proposed by the people of the territory on the one hand, and the government of the United States on the other. Those conditions were as follows:—in addition to several special grants of land, the United States granted the section of land numbered sixteen, in every township, to the inhabitants thereof, in perpetuity, for the use of schools. There being

thirty-six sections in each township, this donation, as it is improperly termed, in this and other acts, amounted to one thirty-sixth part of the whole territory; the United States agreeing, in certain specified cases, where the land had been already appropriated, to grant an equivalent in other lands, and extending the grant of school lands to all subsequent purchases of territory to be made from the Indians, within the state of Ohio. It was further provided, that not less than three per cent. of the nett proceeds of the lands of the United States, lying within the limits of the state of Ohio, sold, or to be sold, after the 30th day of June, 1802, after deducting all expenses incidental to the sale, should be applied to laying out roads within the state, under the direction of the legislature. And the state agreed, in consideration of these grants, that the land sold by Congress, within Ohio, after June 30, 1802, should remain exempt from taxation for five years from the day of sale. We have said that the grants of land for schools, and other purposes, were improperly called donations, because the yielding, on the part of the state, of the right of taxation on all the other lands, for five years, was a valuable consideration; and it would require but little calculation to show, that the tax on the thirty-five sections of land, for five years, might be an ample equivalent for the fee simple of one section.

We shall not proceed to give a regular analysis of the constitution of Ohio, as it resembles, in its main features, those of the other states.

The general assembly convenes annually; the senators serve two years, and the members of the house of representatives one year.

No other qualification is required, to render an individual eligible to sit in the general assembly, and to confer the right of suffrage, than those of citizenship, residence, and the payment of a state or county tax.

The supreme court consists of three judges, and power is given to the legislature to add a fourth. They have "original and appellate jurisdiction, both in common law and chancery, in such cases as shall be directed by law." The practical result of this organization is, that the supreme court is not considered as having any specific jurisdiction conferred upon it, but only made capable of receiving any jurisdiction which the legislature may be pleased to confer. Besides sitting in bank, at the seat of government, for the decision of appeals on questions of law, the judges hold terms in the counties, and try, *de novo*, the cases brought before them by appeal from the inferior courts.

The courts of common pleas are composed of a president and associate judges. The president judges are usually selected from the bar, under the idea, that it is expedient that one member of the court should possess some knowledge of the law; but the associate judges are chosen without reference to their education or professional knowledge, and they are, in fact, not usually lawyers. The state, therefore, pays several judges in each circuit, while the duties are discharged by one.

The judges of the supreme court, and courts of common pleas, are elected by the legislature, and hold their offices for the term of seven years, "if so long they behave well." Each court appoints its own clerk, for the term of seven years.

Justices of the peace are elected by the qualified voters in each township, and continue in office three years.

Elections are by ballot.

Slavery is prohibited.

The legislature is prohibited from levying any poll tax for county or state purposes.

It is provided, "that every association of persons, when regularly formed within the state, and having given themselves a name, may, on application to the legislature, be entitled to receive letters of incorporation, to enable them to hold estates, real and personal, for the support of their schools, academies, colleges, universities, and for other purposes."

"The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law."

CHAPTER III.

Territorial and State Governments, continued.

The same process which we have described in relation to Ohio, was carried forward in reference to the other states which were formed in the western country, successively. We shall, therefore, only furnish the reader with such *memoranda* as may enable him to trace the history of this legislation, more particularly should he be so disposed.

By an act of May 7, 1800, the north-western territory was divided into two parts, and placed under separate territorial governments; the western part was called Indiana, and extended from the western line of Ohio to the Mississippi.

By an act of January 11, 1805, the territory of Michigan was formed out of Indiana.

By an act of February 26, 1808, the right of suffrage was extended in Indiana; and by an act of February 27, 1809, that territory was authorized to send a delegate to Congress.

The acts of March 3, 1811, and March 4, 1814, relate to the right of suffrage and eligibility to office in Indiana; by the first, the inhabitants, without regard to property, are permitted to vote; by the second, provision was made for laying off the territory into districts, for the election of members of the legislative council.

After the admission of Ohio into the union, as a sove-

reign state, the term north-western territory was merged into those of Ohio and Indiana, and has not since been used.

By an act of February 3, 1809, all that part of Indiana territory, which lies west of the Wabash river, and a direct line drawn from that river and Post Vincennes, due north, to the territorial line between the United States and Canada, was constituted into a separate territory, by the name of Illinois; and the first grade of territorial government, as heretofore described, was established therein.

By the act of May 20, 1812, the right of suffrage was extended to the inhabitants of Illinois, without any property qualification; the territory passed from the first to the second grade of territorial government, and was empowered to send a delegate to Congress.

On the 19th of April, 1816, the inhabitants of Indiana were authorized to form a constitution and state government, and to assume such name as they might deem proper; and were admitted into the Union by a resolution of Congress of December 11, 1816.

The following are some of the points of the constitution of this state.

The term of service of the governor is three years, and he is not eligible for more than two terms successively.

The senators serve three years, and the members of the house of representatives one year.

The right of suffrage is extended to every white male citizen of the United States, of the age of twenty-one years and upwards, who has resided in the state one year immediately preceding the election at which he

claims to vote. Persons enlisted in the army of the United States, or their allies, are excluded from suffrage.

Elections to be by ballot.

The judiciary power is vested, both as to matters of law and equity, in one supreme court, in circuit courts, and in such other inferior courts as the general assembly may, from time to time, direct and establish.

The supreme court consists of three judges, with appellate jurisdiction only.

The circuit courts consist, each, of a president and two associate judges, with original jurisdiction in common law, chancery, and criminal cases.

The judges of the supreme, circuit, and other courts, hold their offices during the term of seven years, if they shall so long behave well.

The judges of the supreme court are appointed by the governor, with the advice and consent of the senate; the presidents of the circuit courts are appointed by joint ballot of both branches of the general assembly, and the associate judges are elected by the qualified voters in the respective counties. The supreme court appoints its own clerk; the clerks of the circuit court are elected by the qualified voters in the several counties.

Slavery is prohibited.

The following provision is peculiar.

“Every twelfth year after this constitution shall have taken effect, at the general election held for governor, there shall be a poll opened, in which the qualified electors of the state shall express, by vote, whether they are in favour of calling a convention or not; and if there

should be a majority of all the votes given at such election, in favour of a convention, the governor shall inform the next general assembly thereof, whose duty it shall be, to provide by law for the election of members to the convention, the number thereof, and the time and place of their meeting; which law shall not be passed, unless agreed to by a majority of all the members elected to both branches of the general assembly; and which convention, when met, shall have it in their power to revise, amend, or change the constitution. But, as holding any part of the human creation in slavery, or involuntary servitude, can only originate in usurpation and tyranny, no alteration of this constitution shall ever take place, so as to introduce slavery or involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted."

The diffusion of knowledge generally through the community, is recognised especially as being essential to the preservation of a free government. It is made the duty of the legislature to provide, by law, for a general system of education, ascending in a regular gradation from township schools to a state university, wherein tuition shall be gratis, and equally open to all.

"The general assembly, at the time they lay off a new county, shall cause at least ten per cent. to be reserved out of the proceeds of the sale of town lots, in the seat of justice of such county, for the use of a public library for such county."

The legislature is prohibited from incorporating any bank except a state bank and its branches.

To Indiana, as well as to all the other new states,

grants of land were made by Congress for the support of schools, under similar conditions to those which have been mentioned in reference to Ohio.

It will be readily remarked, upon referring to the various acts relating to the admission of new states into the union, that Congress has invariably claimed, and exercised the power, of prescribing conditions of admission to the people applicant. Whatever might be the decision in a case where such power was denied, as in the instance of the admission of Missouri, there can be no question, that where it is yielded, and the terms of admission agreed upon, they become binding upon both parties. A people suing for admission into the union, may object to the conditions proposed by Congress, and may rightfully obtain for themselves admission on such terms as suit their own views—in other words, make the best terms they can; but having gained admission by solemnly agreeing to any conditions which may have been proposed to them, we cannot for a moment indulge the belief, that they can, in good faith, violate such a compact.

The inhabitants of Illinois were authorized to form a state government, by an act of April 18, 1818, and were admitted into the union, December 3, 1818.

The conditions imposed on Illinois, in addition to those which had been already settled by the cession from Virginia, and the ordinance of 1787, were as follows:—

The United States give to the state, one section of land in every township, “for the use of the inhabitants of such township for the use of schools.”

They grant to the state all salt springs, and the lands

reserved for the use of the same, "provided, that the legislature shall never sell, nor lease the same, for a longer period than ten years, at any one time."

They give the state five per cent. of the nett proceeds of all land sales within the state, "two-fifths to be disbursed under the direction of Congress, in making roads leading to the state; the residue to be appropriated by the legislature of the state for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university."

They give two entire townships for the use of a seminary of learning.

In consideration of the premises, the state of Illinois agrees to exempt all lands sold by the United States from taxation, for five years from the date of sale; to exempt, in like manner, the bounty lands, while they continue to be held by the patentees or their heirs, for three years from the dates of the patents; and that the lands of non-resident owners, shall not be taxed higher than the lands of residents.

The following are some of the principal features in the constitution of that state.

The legislative authority is vested in a general assembly, consisting of a senate, the members of which are elected for four years, and a house of representatives elected for two years.

"The number of representatives shall not be less than twenty-seven, nor more than thirty-six, until the number of inhabitants within the state amount to one hundred thousand; and the number of senators shall never be less than one-third, nor more than one-half, the number of representatives."

The executive power is vested in a governor, who is elected by the people for four years; and he is not eligible for two terms in succession. At the election for governor, a lieutenant governor is also chosen, who is speaker of the senate, and on whom, in case the governor vacates his office, the duties of governor devolve.

The representatives, and one-half the senators, are elected biennially, on the first Monday in August; and the governor is chosen every fourth year, on the same day.

The governor receives a salary fixed by law, which cannot be reduced during his continuance in office; the lieutenant governor, and members of the legislature, receive a per diem allowance, for each day's actual service; every legislature prescribing its own pay, by a special appropriation.

The general assembly meets once in two years, at Vandalia, on the first Monday in December, next following the election; and the governor is authorized to convene it, on extraordinary occasions, at other times.

The governor together with the judges of the supreme court, constitute a council of revision, with the power to approve, or disapprove, the bills about to be passed into laws by the legislature. If a majority of the council approve any bill sent to them, it becomes a law. If they retain a bill sent to them, ten days, it becomes a law. If they object to a bill, they are required to return the same, with their objections in writing, to the branch in which it originated; and the bill may then be amended to suit the objections of the council, or passed, notwithstanding their dissent, by a majority of all the members elected.

All white male inhabitants, above the age of twenty-one years, having resided in the state six months, next preceding an election, have the right of suffrage.

No person holding an office under the United States, or this state, except postmasters, and justices of the peace, can be a member of the legislature. No person holding an office of honour or profit under the United States, can hold an office under this state.

The judicial power is vested in a supreme court, and such inferior courts, as the general assembly may establish. The judges are appointed by joint ballot of both branches of the general assembly, and hold their offices during good behaviour.

The supreme and circuit courts have power to appoint their own clerks.

The judges of the supreme and inferior courts, are to have competent salaries, which shall not be diminished during their continuance in office.

Slavery is prohibited.

“The mode of levying a tax shall be by valuation, so that every person shall pay the tax in proportion to the value of the property” in his possession.

There shall be no other banks or monied institutions in this state but those already provided for by law, except a state bank and its branches, which may be established and regulated by the general assembly, as they may think proper.

The people have a right to instruct their representatives.

In prosecutions for libel, the truth may be given in evidence.

No person shall be imprisoned for debt, unless upon

refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases where there is a strong presumption of fraud.

There is a county court, composed of three commissioners, elected every two years by the people, which has jurisdiction in all matters relating to the county revenue.

An accurate statement of the receipts and expenditures of public money, shall be attached to, and published with the laws, at the rising of each general assembly.

The state treasurer, auditor, attorney general, and public printer, are, under the constitution, elected by the general assembly.

The rest of the constitution conforms with the usual frame of those instruments throughout the union.

Missouri, after passing through the different grades of territorial government, was authorized, by an act approved March 6, 1820, to form a constitution and state government; and similar conditions were extended to her, in relation to grants of land for the support of schools, as have been detailed in reference to the other states. Her constitution differs but little from those which we have noticed.

The term of service of the governor is four years, and he is not eligible for two terms in succession.

Senators are chosen every four years, and members of the house of representatives every two years.

The legislature meets once in two years.

Ministers of the gospel are excluded from sitting in the general assembly, and from holding any office of profit, except that of justice of the peace.

Slavery is tolerated.

“The judicial powers, as to matters of law and equity, shall be vested in a supreme court, in a chancellor, in circuit courts, and in such inferior tribunals as the legislature may, from time to time, ordain and establish.”

The supreme court consists of three judges, and has appellate jurisdiction only. It has power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, and other original remedial writs, and to hear and determine the same.

A single judge presides in the circuit court, which has the usual original jurisdiction.

“The governor shall nominate, and by and with the consent of the senate, appoint the judges of the supreme court, the judges of the circuit court, and the chancellor; each of whom shall hold his office during good behaviour, and shall receive, for his services, a compensation which shall not be diminished during his continuance in office, and which shall not be less than two thousand dollars annually.”

The courts, respectively, appoint their own clerks, who hold their offices during good behaviour.

“Schools, and the means of education, shall forever be encouraged in this state.”

“The legislature may incorporate one banking company, and no more, to be in operation at the same time.”

The infant settlements of this state, like those of Indiana, were exposed to great dangers during the gloomy period which preceded the war of 1812, and throughout that unhappy contest. The correspondence of Governor Edwards with the government, shows that here too, the most continual vigilance was necessary to protect our people from the arts of the emissary and the toma-

hawk of the savage. Smiling and beautiful as her prairies now are, they were then trodden only by the savage and the armed hunter, while our feeble settlements were confined to a few points on the borders of the large rivers. Her institutions, like those of her sister states, were planted amid anarchy and violence; yet, like them, they have expanded in beautiful exuberance, and borne the fruits of peace and prosperity.

CHAPTER IV.

Laws and Policy of the New States.

We should far exceed our limits, if we were to attempt any analysis of the laws of the new states, on a scale sufficiently minute to be satisfactory. To give, however, a specimen of the spirit of the legislation, we shall proceed to give some account of the laws of Illinois; that being the state with whose civil institutions we are best acquainted.

When we say that the laws of a state are frequently changed, we usually mean the *details* of the law; for there are certain general principles which are always regarded as landmarks, and which, in every country, may be considered as somewhat permanent. In a popular government, even long established and fundamental principles are sometimes infringed through inadvertence or ignorance, and they are sometimes deliberately discarded; but, so far as our observation extends, we think that legal principles are not, generally speaking, either frequently or hastily changed. Our object, therefore, will be to give a brief outline of such principal laws as we consider most permanent, and which form characteristic features in the policy of the country, without noticing those municipal regulations which are changed at every session of the legislature.

In reviewing the constitutions and laws of the new states, as well as the changes which have occurred in

the older states, it will be seen, that the departures from long established usages have tended gradually, and almost uniformly, to democracy. Public officers have been, from time to time, stripped of all powers not thought to be actually necessary to the exercise of their official functions; salaries have been reduced, the terms of service abridged, and the right of suffrage extended, wherever practicable. The criminal codes have been ameliorated, legal proceedings simplified, laws for the collection of debts divested of their harshness, and a disposition manifested to trust more to the moral force of public sentiment, and less to the mere physical power of legal coercion.

In Illinois the power of the executive is but small, and its patronage almost nothing. The great majority of the public officers are elected by the people directly, or by their representatives in the general assembly. Appropriations of public money seldom pass through the hands of the governor, or are made subject to his order; but are usually placed under the immediate control of the persons appointed to disburse them. No house is provided for his residence at the public expense, nor is he required to reside at the seat of government.

The courts are modelled chiefly upon the judiciary system of Kentucky. There is a supreme court, composed of one chief justice and three associates, with appellate jurisdiction only, except in cases relating to the revenue of the state, in cases of mandamus, and in such cases of impeachment as may be required to be tried before it. Two judges form a quorum. In the decision of appeals from inferior tribunals, where the court is equally divided, the decision of the court below stands

affirmed. One term of this court is held annually at the seat of government, and continues until all the business is disposed of. All its functions, as a court, are performed in bank. It appoints its own clerk and reporter. The judges, separately, grant writs of error, habeas corpus, certiorari, and injunction, in vacation.

The next in rank is the circuit court. The whole state is divided into five circuits, in each of which a single judge presides. Two terms are held in each year in every county. This court has original jurisdiction in all criminal cases, and in all civil suits where the amount in controversy is more than twenty dollars. An appeal lies to it from the county courts, courts of probate, and justices of the peace. The judges appoint their own clerks, who hold their offices during good behaviour. There is a chancery side to this court. The decisions of the circuit court may be reviewed in the supreme court.

This court was held originally by the supreme judges, who presided singly in the circuit courts, and jointly in the supreme court. The obvious inconvenience of that arrangement induced the legislature, at the session of 1824-5, to appoint five circuit judges, leaving to the supreme judges the duties alone properly belonging to their own court. At the following session the legislature repealed the act under which the circuit judges were appointed, removed them from office, and recurred to the former arrangement. But the rapid extension of the population rendering it impracticable for four individuals to perform the duties, a fifth circuit was afterwards created, and one circuit judge appointed, by whom, with the four supreme judges, these courts are now held.

The weight of business, with a conviction, that is rapid-

ly gaining ground, that the ends of justice are not best obtained by having the original and appellate jurisdictions vested in the same individuals, must soon induce a recurrence to the circuit system, as contemplated by the constitution.

There is an attorney general and four circuit attorneys, who prosecute in criminal cases, on the part of the people. The only distinction between these officers is, that the attorney general receives a little larger compensation than the "state's attorneys," and is obliged, in addition to the duties of the circuit, to give written opinions to executive officers, on questions touching their official duties, and to prosecute civil suits on the part of the state.

The county commissioners' court is a court of record, composed of three commissioners, elected every two years, by the people. Its jurisdiction is now confined to the concerns of the counties respectively. It levies the county taxes; appoints a county treasurer, and settles his accounts; appropriates the funds of the county; establishes election districts; selects jurors for the circuit court; establishes, alters, or abolishes roads; appoints supervisors of roads; apportions the road labour among the inhabitants; and has a general superintendence of county business.

A judge of probate is appointed in each county, who holds a court of record, receives the probate of wills, grants letters of administration, settles the accounts of intestates, and has jurisdiction in most cases concerning administrators, executors, and orphans.

Justices of the peace are elected every four years, by the people; for which purpose, the counties are divided into districts, in each of which, two justices are elected,

except that which includes the county seat, in which there are four; but the jurisdiction of the justice is co-extensive with the county. This mode of electing justices was highly disapproved by many when it was adopted; but the evils which were anticipated have not been realized; and after a trial of four years, it seems to be now conceded, that though subject to some weighty objections, it is, upon the whole, the mode least liable to abuse, and most satisfactory to the people. The civil jurisdiction of the justices extends to cases where the amount in controversy is not more than one hundred dollars, except an administrator or executor be a party, in which case, the limit is twenty dollars; and their criminal jurisdiction is that usually exercised by the same officer in other states, except in prosecutions for assault and battery, and affrays; which offences, instead of being indictable, are punishable by the verdict of a jury before a justice of the peace.

Candidates for admission to the bar, are personally examined by two judges of the supreme court; and on getting a license from them, may practice in any court in the state. No particular term of study, or of residence, is prescribed. Testimonials of good moral character are required.

The forms of special pleading are preserved. The practice conforms to that of the English courts, as nearly as the difference of our institutions will admit. Perhaps, taken as a whole, it is less vitiated by the corruptions introduced to gratify the popular prejudices against lawyers and legal technicalities, than that of almost any other state.

A negro, Indian, or mulatto, is not allowed to be a

witness in any court, or in any case, against a white person. Persons having one-fourth part negro blood, are adjudged to be mulattoes. The right of suffrage, and of holding office, and the duties of citizenship, such as serving on juries, in the militia, &c., are confined to whites. A person bringing a slave into this state, for the purpose of setting him free, must, under a heavy penalty, enter into bond, conditioned, that such manumitted slave shall not become chargeable to the public as a pauper. Every coloured person coming into the state to reside, must file documentary evidence of his freedom in the office of the clerk of the circuit court of the county in which he may reside, and give bond, with security, for his maintenance and good behaviour. Failure to comply with these regulations, subjects the party to be considered and treated as a runaway slave. In consequence of these salutary arrangements, this state has not become a retreat for runaway slaves, or free negroes.

A penitentiary has lately been built, and the criminal code has been so altered, as to substitute, in a variety of cases, the discipline of the penitentiary system for the punishments heretofore inflicted.

The proceedings formerly had, under the common law writ of *habeas corpus*, are now regulated by statute. The act is long and somewhat special, setting forth a variety of cases in which the writ may issue, and specifying, particularly, the proceedings under it.

Aliens may take and hold real estate, by descent or purchase; may alienate or transmit the same to their heirs, or have dower, in the same manner as citizens.

Divorces are granted by the courts of chancery; and

the facility with which they may be obtained under our laws, is quite as great as is desirable. Besides the ordinary causes, habitual drunkenness, extreme and repeated cruelty, or absence for two years, on the part of either party, is esteemed a sufficient ground of divorce. Marriages have been dissolved, in many instances, by the legislature of this and other states; but there can be little question that such acts are wholly nugatory. The marriage contract is a civil contract, which not only subjects the contracting parties to certain duties and liabilities, but affects their property, and reaches, in its consequences, to their descendants. The legislature cannot violate the obligation of a contract; and however this constitutional maxim may have been construed, in passing laws to regulate a whole class of existing contracts, as in the enacting of stay laws, &c., or in cases where the operation of a statute has been indirect, there can hardly be a doubt as to the illegality of annulling, by law, a contract between individuals, which in itself is legal. The proceeding is, besides, *ex parte*, commenced on the application of one of the contracting parties, without notice to the other, and without evidence, except such as is furnished by the applicant; and the legislature, which is prohibited from performing any judicial functions, except in a few specified cases, thus adjudicates upon the most important rights of the citizen.

The several acts to restrain and punish gambling, are very severe; and have co-operated with public opinion, to render this detestable vice decidedly unpopular.

Persons who have been engaged in duelling, as principals, seconds, or accessaries, are disqualified from

holding any office of profit, trust, or emolument, civil or military; besides being punishable for murder, if death ensues within one year from the time of the duel.

The state is divided into counties: every county is, by its proper officers, a corporation, with ample powers to collect a revenue, transact business, and maintain suit. There is no organization of townships, or parishes, for civil purposes. Under a general law, towns or villages containing not less than one hundred and fifty inhabitants, may become incorporated, by their own act, by consent of two-thirds of the white male inhabitants.

The county commissioners are, *ex officio*, overseers of the poor; but the law creating them such, is, practically, a dead letter. There is, in fact, no system of poor laws. The state of society in this country, has not yet indicated a necessity for any provision for the support of paupers. At some of the towns bordering on the large navigable rivers, where indigent strangers are frequently, in consequence of sickness, the destruction of a boat, or other accident, thrown ashore under circumstances requiring relief, the inhabitants have been obliged to call on the county courts for aid; but these exceptions have been few.

General elections are held biennially, on the first Monday in August. For this purpose, the counties are divided, by the county commissioners, into any convenient number of "election precincts," or districts, not more than eight in each county; three judges, having the qualifications of voters, are appointed by the county commissioners in each district; and the judges appoint two clerks at each precinct. The polls are kept open for one day only; the people vote *viva voce*. Every

white male inhabitant, of full age, having resided in the state six months, may vote.

Every male inhabitant is required to labour upon the public roads three days in each year, or to pay one dollar in lieu of each day's labour required. Male inhabitants, owning property worth more than one hundred dollars, may be called upon for a further contribution, in labour or money, in proportion to the value of their property.

No system of public schools has yet been organized. An act of the legislature is in existence, authorizing the sale of the sixteenth, or school section of land, in any township in which the people shall signify their assent, in the manner prescribed by the law; but it is not supposed, that the sales under this law will be numerous, or that any general movement in favour of education will result from it. The messages of the governors, and the proceedings of the legislature, contain such frequent allusions to the subject of education, as to show, that those who are best acquainted with public sentiment, consider it a popular topic. We suppose that there is no one subject on which the public voice would be as unanimous, as it would be in favour of a cheap, general, and practical system of primary schools.

Several attempts have been made to appropriate the school fund, and to bring into existence a system of common schools, none of which have proved effective. There is a decided wish to act on this important subject, but there are insuperable objections to any premature action. The population is so thinly scattered at present, as to render it difficult to organize any system which shall disseminate its benefits even to a majority of those

who need them. But the greatest obstacle to any beneficial action, at this time, arises from the want of an accurate knowledge of details, in relation to the fiscal and the practical parts of such a system. A connected plan of instruction, to embrace the whole of a state, is a vast, and somewhat complicated machine; and it cannot be expected, that those who have never witnessed the operation of such a system, should be able to understand its bearings, or to devise the best measures for its adoption. The legislature acts wisely in delaying this great measure, until the necessary information can be collected.

Persons who lay off new towns, or additional lots to towns, already laid out, are required, in every instance, to make a plot or plan of such town or addition, and record the same in the office of the recorder of the proper county; by which act, the lines and divisions become established by law.

There were, until recently, no usury laws. Lately, a law was passed, prohibiting usurious contracts. Where the parties have not prescribed the rate of interest, the law fixes it at six per cent. per annum.

If the proceedings of the legislature may be considered as indicative of public sentiment, the latter may be asserted to be decidedly hostile to corporations. Applications for charters of incorporation, for various purposes, have been repeatedly rejected, although such charters have sometimes been granted. The constitution prohibits the incorporation of any banking institution, except a state bank and its branches; and it is doubtful whether any monied incorporation would at this time be tolerated.

It has been well contended, that by the aggregation of a large capital, in the hands of a few individuals, they

acquire advantages over the individual trader, which enable them to oppress him, and control the market. This doctrine may be carried too far; for some purposes, corporations are necessary and beneficial, but they should be confined to such cases. There is, also, in this country, a great repugnance against allowing such companies to accumulate large possessions in real estate; or giving them powers under which they might carry on any of the operations properly belonging to a bank, especially lending money, or issuing paper for general circulation, in lieu of money.

In several instances, acts of incorporation for seminaries of learning, and for religious associations, have been refused by the legislature; and one institution of learning has been incorporated, with an express provision, that no theological department shall ever be attached to it. This is another indication of public sentiment in this state, or at least of the policy of the legislature. There seems to be a great dread among the lawgivers, of religious domination, and of sectarian influence. Bills for acts to incorporate religious societies, for the single purpose of enabling them to hold a few acres of ground for their meeting-house and grave-yard, have been more than once introduced and rejected. No college, or other institution of learning, in which any one religious sect is known to have a predominant influence, has ever yet received a charter in this state; nor will any such institution ever be incorporated there, unless public sentiment shall undergo a radical change. This prejudice is deeply to be deplored. If religious denominations think proper to educate their children in their own tenets, they have a clear right to do so, and to establish schools for the

purpose; it is enough for those who object to the exertion of sectarian influence upon the young mind, to withhold their support from institutions which they disapprove. The granting a charter to a literary institution, confers upon it no moral power, stamps no authority upon the tenets of the persons who control it, nor affects, in the slightest degree, any of the rights of conscience. It merely gives to such an institution, facilities for the transaction of its financial concerns, and for the safe keeping of the funds bestowed on it, by the benevolent, for public and beneficial purposes. It gives vigour and security to its pecuniary transactions, but adds nothing to its literary reputation. In a country, where religious opinions are perfectly unshackled, and men may believe and worship as they please, it seems to be unfair, that they should not be allowed every facility for educating their children according to the dictates of their own judgment; and we doubt, whether it is not a violation of the spirit at least, of our free institutions, to refuse to a religious society, the ordinary facilities of law, for the protection of its property, the management of its concerns, and the dissemination of its opinions. The truth is, that the best colleges in the United States are sectarian; each of them, is under the direct patronage and influence of a religious sect. No college, from which such influence has been excluded, by express prohibition, has been successful. The reason of this seems to be, that the business of education falls naturally into the hands of the clergy. It comes legitimately within the sphere of their duties. They are fitted for it by the nature of their studies and pursuits; while liberally educated men, in other professions, could only become quali-

fied for the business of tuition, by the sacrifice of their other avocations. Those avocations are too lucrative and honourable, to be abandoned by men of talents, for the humble and precarious calling of the teacher or professor. If we depend on the clergy to superintend and carry on the education of our youth, we must permit them to divide into sects, for they will not labour harmoniously in any other manner. It is proper, however, to remark, that this jealousy of sectarian influence may be owing, in some measure, to the illiberality of denominational feeling. It has more than once happened, that the religious of one sect, have either indirectly opposed the applications of another denomination, for incorporation, or have witnessed their failure with cold indifference, while their divisions and cavils among themselves, have disgusted the public.

Whether the feeling which exists, has arisen out of a mistaken opinion of the tendency of corporate powers and operations, or is the result of sound political principles, we are not prepared to say; but it is very certain, that if we have erred, it has been on the safe side.

No property is now taxed by the state, for state purposes, except land. For the purpose of taxation, lands have heretofore been divided into three classes; the first of which, were taxed two cents per acre; the second, one cent and a half per acre; and the third, one cent per acre. At the last session of the legislature, the third class was abolished; so that there are now but two classes of land, which are taxed as above stated.

The land tax is payable into the state treasury, on the *first* day of August, in each year. If not paid on or before that day, the land is advertised for sale, in one

public newspaper; and is sold for taxes on the *first* day of January ensuing. The price for which the land is sold at the tax sale, is, the amount which is due on it for taxes, with interest on the same, and the cost of advertising and sale. The owner may, at any time, within two years from the time of sale, redeem his land, by paying into the treasury *double* the amount for which it was sold; so that the purchaser gets back his money, with the addition of one hundred per cent.

The taxes of non-residents are paid into the state treasury and applied to state purposes; the land tax of resident land owners is paid into the treasuries of the respective counties, and applied to county purposes. The state government is, of course, supported solely by non-residents. This may seem strange, until it is explained. During the last war, the government of the United States agreed to give to each private soldier, who should enlist for the term of five years, and who should receive an honourable discharge, a bounty of one hundred and sixty acres of land. The tract of land lying in Illinois, between the Mississippi and Illinois rivers, and extending north one hundred and seventy miles from the confluence of those rivers, was appropriated for the discharge, in part, of these bounties. This tract contains more than five millions of acres, and was divided, like other lands of the United States, into quadrangular townships, sections, and quarter sections. In selecting the bounty lands, the surveyors were instructed to reject such tracts as might not be considered arable. In this country, where the land is generally fine, and scarcely any unfit for cultivation, the understanding of such instructions would naturally be very vague, and the construction libe-

ral. Accordingly, but twenty thousand warrants, each for one quarter section, or one hundred and sixty acres, were located, embracing only three millions two hundred thousand acres. The territory of Illinois was but little known at that time, and the discharged soldiers were, for the most part, improvident men, who preferred a sum in cash, however small, to any prospective advantage which might accrue to them from holding their lands. The bounty lands, therefore, soon fell into the hands of other persons, mostly residents of the eastern commercial cities. When Illinois became a state, and these lands were subjected to taxation, the owners, whether the original patentees, or purchasers under them, were careless about paying taxes on property which had cost little, and the ultimate value of which was considered extremely problematical. A vast portion of them, therefore, were annually sold for taxes; but this process, also, eventuated in throwing these lands into the hands of non-resident capitalists. Supposing the whole to be thus held, the annual revenue to the state, at one cent and half an acre, would be forty-eight thousand dollars; about four thousand dollars of this sum may be deducted for the taxes of the inhabitants of the tract, leaving the sum of forty-four thousand dollars as the revenue of the state from military lands, owned by non-residents; to which may be added, a small sum, say five or six thousand dollars, receivable from non-resident owners of lands situated in other parts of the state; making the whole revenue about fifty thousand dollars. The ordinary annual expenditures of the state government, are about thirty thousand dollars, leaving a surplus of twenty thousand dollars, at the disposal of the legisla-

ture. There being, therefore, no immediate necessity for raising money by taxation, from the inhabitants, and the constitution requiring that the taxes upon non-residents and residents should be the same, the legislature thought proper, instead of reducing the taxes, to give the portion paid by resident land owners, to the counties respectively.

No systematic plan of internal improvement has yet been adopted. Appropriations have been made, at every session of the legislature, for building bridges, opening roads, and other public improvements. But the money thus distributed has been divided into small sums, scattered over a wide surface, and expended upon temporary objects. The only work of magnitude which has been attempted, is the proposed canal to unite the Illinois river with Lake Michigan, which, from recent indications, it would appear, is about to be abandoned, for the purpose of adopting the plan of a rail-road, or of changing the direction.

In relation to the sale of public land by the United States, it is natural that the legislatures of the new states, in which those lands are situated, should interfere, and that there should be many opinions. Private holders of property differ widely in their estimation of its value. The seller and the buyer often adopt different standards of valuation; and it would be strange indeed, if there should not be various theories in relation to the public domain. We are, moreover, a very wise nation, and not at all disposed to concede that all the good sense and ingenuity of the union is concentrated in the little collection of great men who assemble on the floor of Congress; and we indulge a benevolent propensity, which is not

peculiar to the west, but pervades the nation, of contributing a portion annually of our own knowledge to the public stock, in the shape of resolutions, memorials, and instructions. The greatest objection to these popular instructions is, that they are not always consistent with each other; and that even the same set of men, at the same session of a legislature, sometimes recommend conflicting measures. The legislature of Illinois, as well as those of the other new states, have sanctioned, by their resolutions, almost all the propositions which have been made in Congress, for important changes in the system of land sales; and the subject is one, the discussion of which occupies more or less time at every session.

CHAPTER V.

Conclusion.

We have been obliged to pass over an interesting portion of the history of this region, which would have occupied a larger space than we could afford to devote to it, and at which we shall now only glance, in such a manner as to invite attention to it, and enable those who may be disposed to pursue the subject, to take up the thread of the narrative.

As the settlements continued to extend towards the west, and new states to be founded beyond Kentucky and Ohio, the same difficulties and dangers which we have described—a little varied in character, but equally formidable—assailed the footsteps of the pioneers, who still bravely pressed forward, followed by the helpless, but undaunted companions of all their vicissitudes, their wives and children. Year after year rolled on, producing little change in the aspect of the frontier, except that the scene of toil and conflict was rapidly moving farther and farther to the west, carrying with it war, and leaving behind it security. As the wave swept on the calm succeeded, the traces of the tempest were obliterated, civil institutions sprung up, and grew with the amazing celerity and vigour which marks the bursting forth of vegetation, when the genial warmth of spring succeeds the stormy blasts of winter.

Two events remain to be noticed, which are important

to the history of this region, and have totally changed its condition—the purchase of Louisiana in 1803, and the late war with Great Britain. The first of these measures gave rise to much discussion, and was fiercely denounced by the opponents of the administration by which it was effected; but experience has proved its wisdom, and it may now be justly regarded as second only, in its happy consequences, to the revolution which gave freedom to our country. It opened a market for the produce of the west, gave us free access to the ocean, and allayed those discontents which had so long threatened the peace, perhaps the existence of the union. It left us without a boundary, or a civilized neighbour, on the west, and deprived foreign nations of all excuse for tampering with the Indians who inhabit those wide regions. It presented a new, a wide, a boundless field, to the enterprising pioneer, and the industrious emigrant.

The war with Great Britain, which broke out in 1812, fell heavily upon the western settlements, but resulted in permanent advantages to this region. During the angry discussions with the British cabinet which preceded that event, that government, anticipating a rupture, renewed, with more industry than ever, her intrigues with the Indian tribes residing on the borders of Ohio and Indiana. Among other instruments, she found in the daring Tecumseh one who was admirably fitted by nature to second her designs. He was a man of splendid talents and great energy of character. He conceived the bold design of preventing the future extension of the American settlements, and perhaps of recovering the country west of the mountains, by uniting all the Indian tribes against the Americans; and spent years in passing from tribe to

tribe, exciting the prejudices and awakening the hatred of the red people. The prospect of a war between the two countries induced the British agents to favour the designs of this intrepid adventurer; and accordingly we find, that during a few years immediately preceding that war, the hostilities of the Indians had become more frequent and audacious than ever.

General Harrison, a distinguished soldier, a gentleman of high spirit, and great vigour of mind, who was now governor of the Indiana territory, found full employment for all his talents and prudence, in guarding against the designs of Tecumseh. We cannot attempt even an outline of the negotiations, the intrigues, and the manœuvres, which followed in rapid succession, during several years of apparent peace, but of actual war, between the American people on the frontier, on one side, and the Indians, directed by British officers, on the other. The government of the United States had resolved to win the friendship of the Indians by kindness and forbearance, and to allure them, if possible, to practise the arts of civilization. The territorial governors were instructed accordingly; and while a scene of active depredation was acting along the whole frontier—while the tomahawk was drenched in gore, and the conflagration of the settler's cabin continued to be perpetrated, the President of the United States was writing to General Harrison to preserve peace, to use the arts of persuasion, and to avoid hostilities as long as possible. This policy, though generous, and resulting from the noblest spirit of philanthropy, was mistaken. It sacrificed the lives of our citizens, and rendered the savage more audacious.

Council after council was held; in each of which the

conduct of the Indians became more equivocal; at one, it was friendly; at another, evasive; at a third, insolent; at one moment they begged for peace; at another, threatened war. At last, the collection of a large force by Tecumseh, induced the government to place a military force under the orders of General Harrison, who moved with promptness, but with consummate prudence, into the Indian country. A bold and admirably planned attempt was made to surprise his camp, which was completely defeated by the coolness of the troops, and the admirable precautions of their distinguished leader. The engagement which took place on this occasion, is known as the battle of Tippecanoe; and we hesitate not to say, that on no occasion, have the arms of our country been more skilfully directed, or the honour of her flag more successfully vindicated.

During the years of 1812, '13, and '14, the whole line of frontier was exposed to the ravages of the British and Indians; and it was nobly defended. In no part of the United States, was the government sustained with more promptitude and cheerfulness, than in the west—the weakest section of the union. A call for troops, was never made in vain, to the western people. The successes of Jackson and Harrison are well known. Peculiar circumstances have thrown a halo of glory around the name of the former, which has obscured the merits of the latter; but in history, the brilliant achievements of these gallant leaders will stand together, and demand an equal tribute of applause from a grateful country.

It is enough to say, that since that period, the frontier has been at peace, with the exception of a few slight

and unimportant disturbances, which have been rapidly quelled. The Indians have learned to feel our power, and their own weakness; and our fellow citizens, who are settled on the utmost verge of the population, feel now no alarm from the proximity of their savage neighbours.

We shall push these historical inquiries no farther. Our object has been to suggest the leading topics of interest, in western history, for the benefit of such as might feel disposed to engage in more extensive researches, in this delightful field. To all such, we say, that it will amply reward them. It is the history of a hardy and gallant people, struggling in the infancy of their political institutions, against adversity, gloom, and danger; displaying throughout the whole the noblest traits of courage, prudence, and humanity, and finally achieving the most brilliant success that has ever crowned the exertion of persevering enterprise.



APPENDIX.

APPENDIX.

Meeting of the Proprietors of Transylvania.

At a meeting of the proprietors of Transylvania, held at Oxford, in the county of Granville, on Munday, the twenty-fifth day of September, Ann. Dom. 1775.

Present, Col. Richard Henderson, Col. Thomas Hart, Col. John Williams, Capt. John Luttrell, William Johnston, James Hogg, and Leonard H. Bullock. Col. Henderson being unanimously chosen president, they took into their consideration the present state of the said Colony, and made the following resolves, viz.—

Resolved, That Col. John Williams be appointed agent for the Transylvania Company, to transact their business in the said Colony; and he is accordingly invested with full power, by letter of attorney.

Ordered, that Mr. Williams shall proceed to Boonsborough, in the said Colony, as soon as possible, and continue there until the twelfth day of April next: and to be allowed for his services one hundred and fifty pounds, proclamation money of North Carolina, out of the profits arising from the sale of lands, after discharging the company's present engagements.

N. B. In case the settlement should be broken up by

attack of Indians or other enemies, so as to render it impossible for Mr. Williams to continue there and execute the trust reposed in him, it is agreed by the Company that he shall still be paid the above salary, at the expiration of three years.

Resolved, That Mr. Williams be impowered to appoint one or more surveyors (and the other officers in the land office) for the said Colony, as he may find necessary. Clerks, surveyors, and chain carryers, to be sworn before they act.

Resolved, In case of the death or removal of Mr. Williams, that Col. Richard Henderson, Capt. Nathaniel Hart, and Capt. John Luttrell, or any one of them, be, and are hereby declared agents for the said company, with the same powers as are given to Mr. Williams, until a new appointment shall be made by the proprietors.

Resolved, That the agent shall not grant any lands adjoining salt springs, gold, silver, copper, lead, or sulphur mines, knowing them to be such.

Resolved, That a reservation to the proprietors, of one-half of all gold, silver, copper, lead, and sulphur mines, shall be made by the agent at granting deeds.

Resolved, That the agent shall take a counterpart of all deeds granted by him, and shall transmit them to the proprietors residing in the province of North Carolina, to be audited with his other proceedings, by the company.

Resolved, That all surveys shall be made by the four cardinal points, except where rivers or mountains so intervene, as to render it too inconvenient: and that in all cases where one survey comes within the distance of

eighty poles from another, their lines shall join without exception.

And that every survey on navigable rivers shall extend two poles out for one pole along the river.

And that each survey not on navigable rivers shall not be above one-third longer than its width.

Resolved, That a present of two thousand acres of land be made to Col. Daniel Boone, with the thanks of the proprietors for the signal services he has rendered to the company.

Resolved, That the thanks of this company be presented to Col. Richard Callaway, for his spirited and manly behaviour in behalf of the said Colony: and that a present of six hundred and forty acres of land be made to his youngest son.

Resolved, That James Hogg, Esq., be appointed delegate to represent the said Colony in the Continental Congress now sitting at Philadelphia; and that the following memorial be presented by him to that august body.

To the Honourable the Continental Congress now sitting at Philadelphia.

The memorial for Richard Henderson, Thomas Hart, John Williams, Nathaniel Hart, John Luttrell, William Johnston, James Hogg, David Hart, and Leonard Henly Bullock, proprietors of Transylvania,
Sheweth,

That on the seventeenth day of March last, for a large and valuable consideration, your memorialists obtained, from the Cherokee Indians assembled at Wa-

tauga, a grant of a considerable territory, now called Transylvania, lying on the south side of the river Ohio.

They will not trouble the honourable Congress with a detail of the risks and dangers to which they have been exposed, arising from the nature of the enterprise itself, as well as from the wicked attempts of certain governors and their emissaries; they beg leave only to acquaint them, that through difficulties and dangers, at a great expense, and with the blood of several of their followers, they have laid the foundation of a Colony, which, however mean in its origin, will, if one may guess from present appearances, be one day considerable in America.

The memorialists having made this purchase from the aborigines and immemorial possessors, the sole and uncontested owners of the country, in fair and open treaty, and without the violation of any British or American law whatever, are determined to give it up only with their lives. And though their country be far removed from the reach of ministerial usurpation, yet they cannot look with indifference on the late arbitrary proceedings of the British Parliament. If the united Colonies are reduced, or will tamely submit to be slaves, Transylvania will have reason to fear.

The memorialists by no means forget their allegiance to their sovereign, whose constitutional rights and pre-eminences they will support at the risk of their lives. They flatter themselves that the addition of a new Colony, in so fair and equitable a way, and without any expense to the crown, will be acceptable to his most gracious majesty, and that Transylvania will soon be worthy of his royal regard and protection.

At the same time, having their hearts warmed with the same noble spirit that animates the united Colonies, and moved with indignation at the late ministerial and parliamentary usurpations, it is the earnest wish of the proprietors of Transylvania to be considered by the Colonies as brethren, engaged in the same great cause of liberty and of mankind. And, as by reason of several circumstances, needless to be here mentioned, it was impossible for the proprietors to call a convention of the settlers in such time as to have their concurrence laid before this Congress, they here pledge themselves for them, that they will concur in the measures now adopted by the proprietors.

From the generous plan of liberty adopted by the Congress, and that noble love of mankind which appears in all their proceedings, the memorialists please themselves that the united Colonies will take the infant Colony of Transylvania into their protection; and they, in return, will do every thing in their power, and give such assistance in the general cause of America, as the Congress shall judge to be suitable to their abilities.

Therefore, the memorialists hope and earnestly request, that Transylvania may be added to the number of the united Colonies, and that James Hogg, Esq. be received as their delegate, and admitted to a seat in the honourable the Continental Congress.

By order of the Proprietors.

Signed, RICHD. HENDERSON, *President*.

Resolved, That Mr. Hogg be impowered to treat and contract with any person or persons who may incline to purchase lands from the company, and that he be allowed his expenses for transacting the above business.

Resolved, That the united thanks of this company be presented to Colo. Richard Henderson, Capt. Nathaniel Hart, and Capt. John Luttrell, for their eminent services and public spirited conduct, in settling the aforesaid Colony.

Resolved, That from this time to the first day of June, one thousand seven hundred and seventy-six, the lands in the said Colony shall be sold on the following terms:

No survey of land shall contain more than six hundred and forty acres, (except in particular cases;) and the purchaser shall pay for entry and warrant of survey two dollars; for surveying the same, and a plot thereof, four dollars; and for the deed and plot annexed, two dollars. And also shall pay to the said proprietors, their agent, or receiver for the time being, at the time of receiving a deed, two pounds ten shillings sterling for each hundred acres contained in such deed; also, an annual quit-rent of two shillings, like money, for every hundred acres, commencing in the year one thousand seven hundred and eighty.

And that any person who settles on the said lands before the first day of June, one thousand seven hundred and seventy-six, shall have the privilege, on the aforesaid conditions, of taking up for himself any quantity not above six hundred and forty acres; and for each taxable person he may take with him, and settle there, three hundred and twenty acres, and no more.

Resolved, That Colo. Richard Henderson survey and lay off, within the said Colony, in such places and in such quantities as he shall think proper, not less than two hundred thousand acres, hereafter to be equally divided amongst the copartners, or their representatives,

according to their rateable part, (as fully set forth in the articles of agreement entered into by the copartners;) and that each copartner be permitted, by himself or his deputy, to make choice of, and survey in one or more places, any quantity of vacant land in the aforesaid Colony, for his or their particular use; but not above two thousand acres, and that agreeable to the aforesaid rateable proportions, unless on the same terms, and under the same regulations and restrictions, as laid down for other purchasers.

Resolved, That not more than five thousand acres shall be sold to any one person who does not immediately settle on the said lands; and that at three pounds ten shillings sterling per hundred, and not more than one hundred thousand acres in the whole on these terms.

Resolved, That the agent deliver what money he may have received for the sale of lands to Colo. Thomas Hart, when he leaves the said Colony, and that Colo. Hart pay what money may be due from the company to the people at Watauga on his return; and that the remainder be applied to the payment of the company's other debts. Also, that the agent take the first safe opportunity of remitting what further sums he may receive thereafter to William Johnston, treasurer, to be by him applied towards paying off the company's debts.

Resolved, That William Johnston be impowered to bargain and contract with any persons inclining to purchase lands in the said Colony.

Ordered, That Mr. Johnston do, in behalf of the proprietors, accommodate Mr. Peter Hay, merchant, (at Cross Creek, Cumberland County, North Carolina,) with a present of one thousand acres of land in the said Colo-

ny, for his friendly behaviour towards the company; or, in lieu thereof, that Mr. Hay be permitted to purchase ten thousand acres, without being obliged to settle the same, at two pounds ten shillings sterlg. pr. hundred acres, subject to office fees and quit-rents.

Resolved, That a present of six hundred and forty acres of land be made to the Reverend Mr. Henry Patillo, on condition that he will settle in the said Colony.

Resolved, That the agent duly attend to the above resolves, unless when the interest of the company makes the contrary necessary.

By order of the Proprietors.

RICHD. HENDERSON, *Prest.*

Silas Deane to James Hogg, November, 1775.

At the time of granting the New England charters, the crown of Great Britain had no idea of any real interest or property in the American lands. The pope, as vicar of Christ, pretended, very early, to have an absolute right, in fee simple, to the earth and all that was therein; but more particularly to the countries and persons of heretics, which he constantly gave away among his favourites. When the crown of Great Britain threw off its submission to the pope, or, in other words, by setting itself at the head of the church, became pope of Great Britain, this old, whimsically arrogant nation was, in degree, restrained; and Queen Elizabeth, in the year 1579, most graciously gave to Sir Walter Raleigh all North America, from the latitude 34°, north, to 48°,

north; and extending west, to the great Pacific ocean; to which immense territory she had no more right or title than she had to the empire of China. On Sir Walter's attainder, this was supposed to revert to the crown, and in 1606, James 1st, in consequence of the same principle, granted the south part of the above, to a company then called the London Company; and, in 1620, granted the northernmost part to a company called the Plymouth Company, containing within its bounds all the lands from 40° to 45° north latitude, and west to the South Seas. This company granted, in 1631, to certain persons, that tract described in this charter, which you will see was very liberal, and rendered them (as in reality they were) independent of the crown for holding their lands; they having, at their own expense, purchased or conquered them from the natives, the original and sole owners.

The settlement of Connecticut began in 1634, when they came into a voluntary compact of government, and governed under it, until their charter, in 1662, without any difficulty. They were never fond of making many laws; nor is it good policy in any state, but the worst of all in a new one. The laws, or similar ones to those which I have turned down to, are necessary in a new colony, in which the highest wisdom is to increase, as fast as possible, the inhabitants, and at the same time to regulate them well.

The first is to secure the general and unalienable rights of man to the settlers: without this, no inhabitants, worth having, will adventure. This, therefore, requires the closest and earliest attention.

Next to this, is the mode or rule by which civil actions

may be brought, or the surest ways and means by which every individual may obtain his right.

Then a provision for the safety of the community against high handed offenders, house breakers, &c.

There are two ways of regulating a community; one by correcting every offender, and the other to prevent the offence itself; to effect the latter, education must be attended to as a matter of more importance than all the laws which can be framed, as it is better to be able to prevent, than after, to correct a disease.

Peace officers will be necessary, and these ought to be chosen by the people, for the people are more engaged to support an officer of their own in the execution of his trust, than they will ever be in supporting one forced upon them.

Some regulation of civil courts ought early to be made; the most simple and least expensive is best; an honest judge will support his dignity without a large salary, and a dishonest one can have no real dignity at any rate. The General Assembly must be the supreme fountain of power in such a state, in constituting which, every free man ought to have his voice. The elections should be frequent, at least annually; and to this body every officer ought to be amenable for his conduct.

Every impediment in the way of increase of people should be removed—of course, marriage must be made easy.

Overgrown estates are generally the consequence of an unequal division of interest, left by a subject at his decease. This is prevented by an equal or nearly equal right of inheritance. This has taken place in all

the N. England colonies, and in Pennsylvania, to their great emolument.

All fees of office ought to be stated and known, and they should be stated as low as possible.

Some crimes are so dangerous in their tendency, that capital punishments are necessary; the fewer of these, consistent with the safety of the state, the better.

There ought to be some terms on which a man becomes free of the community. They should be easy and simple; and every one encouraged to qualify himself in character and interest to comply with them; and these terms should be calculated to bind the person in the strongest manner, and engage him in its interest.

A new colony, in the first place, should be divided into small townships or districts, each of which ought to be empowered to regulate their own internal affairs; and to have and enjoy every liberty and privilege not inconsistent with the good of the whole.

Tenure of lands is a capital object, and so is the mode of taking out grants for, and laying them out. If individuals are permitted to engross large tracts, and lay them out as they please, the population of the country will be retarded.

Precarious must be the possession of the finest country in the world, if the inhabitants have not the means and skill of defending it. A militia regulation must, therefore, in all prudent policy, be one of the first.

Though entire liberty of conscience ought every where to be allowed, yet the keeping up among a people, a regular and stated course of divine worship, has such beneficial effects, that the encouragement thereof deserves the particular attention of the magistrate.

Forms of oaths are ever best, as they are concise, and carry with them a solemn simplicity of appeal to the Divine Being; and to preserve their force, care should be had to avoid too frequent a repetition of them, and on ordinary occasions.

The preservation of the peace, being the capital object of government, no man should be permitted, on any occasion, to be the avenger of the wrongs he has, or conceives he has, received; but, if possible, every one should be brought to submit to the decision of the law of the country in every private as well as public injury.

Providing for the poor is an act of humanity; but to prevent their being numerous and burthensome to the society, is at once humane and an act of the highest and soundest policy; and to effect it, the education of children, and the manners of the lower orders are constantly to be attended to.

As, in a well ordered government, every one's person and property should be equally secure, so each should pay equally, or on the same scale, for the expenses in supporting the same.

In a new and wild country, it will be deemed, perhaps, impossible to erect schools; but the consequences are so great and lasting, that every difficulty ought to be encountered rather than give up so necessary, so important an institution. A school will secure the morals and manners, and, at the same time, tend to collect people together in society, and promote and preserve civilization.

The throwing a country into towns, and allowing these towns particular privileges, like corporations, in England or America, tends to unite the people, and, as

in the least family there is, generally, the best œconomy, so these towns will conduct the internal and domestic prudentials better than larger bodies, and give strength, soundness and solidity to the basis of the state.

Sir,—You have, in the foregoing, the outlines of the policy of the Connecticut government, in as concise a view as I could; the great and leading principles of which will, I conceive, apply to any new state; and the sooner they are applied the better it will be for the health and prosperity of the rising community.

An equal and certain security of life, liberty and property; an equal share in the rights of legislation, and an equal distribution of the benefits resulting from society; with an early attention to the principles, morals and manners of the whole, are the great first principles of a good government, and these well fixed, lesser matters will easily and advantageously adjust, as I may say, themselves. I am far from thinking our system is entirely fit for you, in every point. It has grown up and enlarged itself, as we have grown. Its principal features are worth your attending to; and, if I had leisure, would point out, more particularly, which part I think you might adopt immediately, what additions are necessary, and why some parts should be rejected. But I will, if possible, give you, after your perusal of this, the general heads of what, from my little reading and observation, I think to be the most simple, and, consequently, the best plan of government.

I am, Sir, yours,

S. DEANE.

Thursday morning, 2d Nov. 1775.

Two laws, I see, I have run over without noting upon: the one is, for punishing vagabonds, by setting them to hard labour. The other, for the punishment of theft, which you may think too light, but I think too severe; or, in other words, I would avoid infamous punishments, such as cropping, branding, whipping, &c., and substitute hard labour in their stead.

Copy of a Letter to Patrick Henry, Esq.

Hillsborough, April 26th, 1775.

Sir,—The late meeting of the delegates, from the several counties, cities, and boroughs, in his majesty's antient Colony and Dominion of Virginia, at Richmond, was an event which raised the expectations and attracted the attention of the whole British America, as well on account of the acknowledged wisdom and public integrity of the delegates, as the important and interesting purposes of that numerous and respectable Convention. The co-partners in the purchase of lands, on Louisa, from the Indians, neither intending by their distant and hazardous enterprize, to revolt from their allegiance to their sovereign, nor yet to desert the grand and common cause of their American brethren and fellow subjects, in their manly and glorious struggle for the full enjoyment of the natural rights of mankind, and the inestimable liberties and privileges of our happy constitution, were anxious to know the result of the wise and mature deliberations of the Convention, and particular in their enquiries concerning the several matters which became the subject of

consideration in that august assembly. It was not long before we learnt the particulars from some of the members, and that the minute circumstances of our contract with the Cherokee Indians had occasionally been moved and debated. The true point of view in which, we are told, you, with several other gentlemen, conceived the nature of the contract, and the eloquence and good sense with which you defended, and the liberal principles on which you supported our claim to the benefit of our engagement with the Indians, in addition to the universal applause of the whole continent, for your noble and patriotick exertions, give you an especial claim to our particular acknowledgements, of which we take this earliest opportunity of begging your acceptance. It would, Sir, have afforded us the most singular satisfaction to have had it in our power to give you a more substantial evidence of our gratitude. Yet we conceive the generous disinterestedness of your principles and publick conduct to be such, that even our thanks may be more than you expected or wished for. We hope, however, that our wishes to make known our gratitude to you, will be considered as a sufficient apology for our having given you the trouble of this letter.

Convinced that our purchase is neither against the laws of our country, nor the principles of natural justice and equity, and conscious to ourselves of the uprightness of our intentions, we totally disregard the reproaches thrown out against us by ill informed or envious and interested persons; and now encouraged by the approbation of the respectable Provincial Congress of Virginia, we shall hereafter pursue with eagerness what we at first adopted with caution.

We beg that you will pardon the length of this letter, and that you will do us the honour to believe, that we are, with the highest sense of gratitude for the part you have taken in favour of our hazardous enterprize, and with the greatest respect and esteem for your eminent and distinguished character and reputation, among the vigilant guardians and illustrious patrons of American liberty,

Sir, your most obliged and

Very mo. devoted h'ble serv'ts,

Signed,

RICHD. HENDERSON,

THOS. HART,

JOHN WILLIAMS,

JAMES HOGG,

NATHL. HART,

DAVID HART,

LEND. H. BULLOCK,

JOHN LUTTREL,

WM. JOHNSTON.

TO PATRICK HENRY, ESQR.

Hanover County, Virginia.

N. B. A copy of the above letter sent to Thos. Jefferson, Esqr. Virginia.

To the Honourable the Convention of Virginia.

The petition of the inhabitants, and some of the intended settlers, of that part of North America now denominated Transylvania, humbly sheweth.

Whereas some of your petitioners became adventurers in that country from the advantageous reports of their

friends who first explored it, and others since allured by the specious shew of the easy terms on which the land was to be purchased from those who stile themselves proprietors, have, at a great expence and many hardships, settled there, under the faith of holding the lands by an indefeasible title, which those gentlemen assured them they were capable of making. But your petitioners have been greatly alarmed at the late conduct of those gentlemen, in advancing the price of the purchase money from twenty shillings to fifty shillings sterling per hundred acres, and at the same time have increased the fees of entry and surveying to a most exorbitant rate; and, by the short period prefixed for taking up the lands, even on those extravagant terms, they plainly evince their intentions of rising in their demands as the settlers increase, or their insatiable avarice shall dictate. And your petitioners have been more justly alarmed at such unaccountable and arbitrary proceedings, as they have lately learned, from a copy of the deed made by the Six Nations with Sir William Johnson, and the commissioners from this Colony, at Fort Stanwix, in the year 1768, that the said lands were included in the cession or grant of all that tract which lies on the south side of the river Ohio, beginning at the mouth of Cherokee or Hogohege river, and extending up the said river to Kettaning. And, as in the preamble of the said deed, the said confederate Indians declare the Cherokee river to be their true boundary with the southard Indians, your petitioners may, with great reason, doubt the validity of the purchase that those proprietors have made of the Cherokees,—the only title they set up to the lands for which they demand such extravagant sums from your petitioners, without any

other assurance for holding them than their own deed and warrantee;—a poor security, as your petitioners humbly apprehend, for the money that, among other new and unreasonable regulations, these proprietors insist should be paid down on the delivery of the deed. And, as we have the greatest reason to presume that his majesty, to whom the lands were deeded by the Six Nations, for a valuable consideration, will vindicate his title, and think himself at liberty to grant them to such persons, and on such terms as he pleases, your petitioners would, in consequence thereof, be turned out of possession, or obliged to purchase their lands and improvements on such terms as the new grantee or proprietor might think fit to impose; so that we cannot help regarding the demand of Mr. Henderson and his company as highly unjust and impolitick, in the infant state of the settlement, as well as greatly injurious to your petitioners, who would cheerfully have paid the consideration at first stipulated by the company, whenever their grant had been confirmed by the crown, or otherwise authenticated by the supreme legislature.

And, as we are anxious to concur in every respect with our brethren of the united Colonies, for our just rights and priviledges, as far as our infant settlement and remote situation will admit of, we humbly expect and implore to be taken under the protection of the honourable Convention of the Colony of Virginia, of which we cannot help thinking ourselves still a part, and request your kind interposition in our behalf, that we may not suffer under the rigorous demands and impositions of the gentlemen stiling themselves proprietors, who, the better to effect their oppressive designs, have given them the colour of a

law, enacted by a score of men, artfully picked from the few adventurers who went to see the country last summer, overawed by the presence of Mr. Henderson.

And that you would take such measures as your honours in your wisdom shall judge most expedient for restoring peace and harmony to our divided settlement; or, if your honours apprehend that our case comes more properly before the honourable the General Congress, that you would in your goodness recommend the same to your worthy delegates, to espouse it as the cause of the Colony. And your petitioners, &c.

James Harrod,	Chas. Crecraft,
Abm. Hite, Jun.	James Willie,
Patrick Dorane,	John Camron,
Ralph Nailor,	Thos. Kenady,
Robt. Atkinson,	Jesse Pigman,
Robt. Nailor,	Simon Moore,
John Maxfeld,	John Moore,
Saml. Pottinger,	Thos. Moore,
Barnerd Walter,	Herman Consoley,
Hugh M'Million,	Silas Harland,
John Kilpatrick,	Wm. Harrod,
Robt. Dook,	Levi Harrod,
Edward Brownfield,	John Mills,
John Beesor,	Elijah Mills,
Conrod Woolter,	Jehu Harland,
John Moore,	Leonard Cooper,
John Corbie,	Wm. Rice,
Abm. Vanmetre,	Arthur Ingram,
Saml. Moore,	Thos. Wilson,
Isaac Pritcherd,	William Wood,
Joseph Gwyne,	Joseph Lyons,

Geo. Uland,
Michl. Thomas,
Adam Smith,
Saml. Thomas,
Henry Thomas,
Wm. Myars,
Peter Paul,
Henry Simons,
Wm. Gaffata,
James Hugh,
Thos. Bathugh,
John Connway,
Wm. Crow,
Wm. Feals,
Benja. Davis,
Beniah Dun,
Adam Neelson,
Wm. Shepard,
Wm. House,
Jno. Dun,
Jno. Sim, Sen.
John House,
Sime. House,

Andrew House,
Wm. Hartly,
Thomas Dean,
Richd. Owan,
Barnet Neal,
John Severn,
James Hugh,
James Calley,
Joseph Parkison,
Jediah Ashraft,
John Hardin,
Archd. Reves,
Moses Thomas,
J. Zebulon Collins,
Thos. Parkison,
Wm. Muckleroy,
Meridith Helm, Jun.
Andw. House,
David Brooks,
John Helm,
Benja. Parkison,
Wm. Parkison,
Wm. Crow.

*Letter from Col. Williams, at Boonsborough, to the
Proprietors.*

Boonsborough, 3d Jany. 1776.

GENTLEMEN,

In my last, of the 27th instant, I promised, in my next, a more circumstantial account than I was capable then of giving, under the confused situation of mind I was then in, occasioned by the unhappy catastrophe of my brother's death, which happened but a few hours before that. To comply in some measure with that promise, and to discharge a duty incumbent upon me, as well as the promptitude of mind I feel to discharge that duty, I cheerfully enter on the task, and endeavour to render some account of what I have been after since my arrival at this place, now upwards of a month since; and as the primitive intention of sending me to Transylvania was to establish a land office, appoint the necessary officers to the said office, surveyors, &c., upon the best footing in my power, and to make sale of the lands within the said Colony, upon such terms as might be most advantageous to the proprietors and satisfactory to the inhabitants thereof; my first step was to fall on some method of appointing a person to the office of surveyor, who should give general satisfaction to the people; I thought none more likely to do so, than calling a convention and taking their recommendation for the person who I would appoint. From the dispersed situation of the people, and the extreme badness of the weather, we failed in convening a majority; however, I took the sense of those who appeared, and who unanimously re-

commended Colonel John Floyd, a gentleman generally esteemed; and I am persuaded, truly worthy; and him I have commissioned surveyor of the Colony at present, though perhaps it may be advisable, at a future day, to divide the Colony into two districts, and to appoint another surveyor to one of the districts. The entering office I have disposed of to Mr. Nathaniel Henderson, and the secretary's to Mr. Richard Harrison; though, upon consideration, I have thought that the numerous incidental expenses were so great that some way ought to be fallen upon to defray them without breaking in upon the monies arising from the sale of the lands, and that the two dollars for entering, &c., and the other two for filling up the deeds, counterparts, annexing seals and plots, &c. was more money than the services of those offices absolutely required; I, therefore, have reserved out of each office, one dollar, to answer the purpose of defraying those extraordinary expenses; and the office is left well worth the acceptance of persons capable of filling them with credit. The number of entries on our book is now upwards of 900, great part of which was made before I came to this place, when people could make entries without money, and without price; the country abounded with land-mongers; since there is two dollars exacted on the entry made, people are not quite so keen, though I make no doubt but all who can comply with the terms will endeavour to save their lands; and as many people who have got entry on the book, are now out of the country, and cannot possibly pay up the entry money immediately, I have thought proper to advertise, that every person who has made entry on the book, and paid no money, that they come in and pay up the en-

trance money by the first of April, and take out their warrants of survey, or their several entries will, after that time, be considered as vacated, and liable to be entered by any other person whatever. The surveyors have now began to survey, and some few people have been desirous of getting out their deeds immediately; but they generally complain of a great scarcity of money, and doubt their being able to take their deeds before next June, or even before next fall; though in a general way, people seem to be well reconciled to the terms, and desirous to take upon them, except some few, whom I have been obliged to tamper with, and a small party about Harrodsburg, who, it seems, have been entering into a confederacy not to hold lands on any other terms than those of the first year. As this party is composed of people, in general, of small consequence, and I have taken some steps to remove some of their principal objections, I make no doubt but to do all that away; and for that purpose have formed a design of removing myself, with the office, to Harrodsburg, some time in February next, unless I should find, from a trip I purpose immediately taking there, that I cannot do it with safety. The principal man, I am told, at the head of this confederacy, is one Hite; and him I make no doubt but to convince he is in an error. Among other things, one of the great complaints was, that the proprietors, and a few gentlemen, had engrossed all the land at and near the falls of the Ohio, which circumstance I found roused the attention of a number of people of note; I therefore found myself under a necessity of putting a stop to all clamours of that kind, by declaring that I would grant no large bodies of land to any person whatever, which

lay contiguous to the falls; which I have done in a solemn manner. This I am far from thinking will be injurious to the proprietors, but quite the reverse; and a circumstance which will render more general satisfaction, and be of as much utility to the colony, as any step heretofore taken. You will observe that I am going on to justify the measure, before I inform you what it is. But to be brief, it is this; the falls, it is certain, is a place which, from its situation, must be the most considerable mart in this part of the world; the lands around are generally rich and fertile, and most agreeably situated; which had occasioned many people to fix their affections on that place. Many applications have been made for large grants, at and about that place, and refused. Since which, 20,000 acres, and upwards, have been entered there for the company; 40,000 or 50,000 more, in large tracts, by a few other gentlemen; a partiality was complained of: a general murmuring ensued. Upon considering the matter, I thought it unjust; I thought it a disadvantage to the partners in general; and that some step ought to be taken to pacify the minds of the people. I therefore entered into a resolution that I would grant to no one man living, within a certain distance of the falls, more than one thousand acres of land, and that to be settled and improved in a certain space of time, under the penalty of forfeiture; that every person who had more entered than 1000 acres, might retain his 1000 out of which spot he pleased; that the several officers, who have claims there, may each, on application and complying with our terms, be entitled to a 1000 within his survey. That a town be immediately laid out, and a lot reserved to each proprietor, and then the

first settlers to take the lots they may choose, enter and improve; which improvement must be done in a certain limited time, or the lot forfeited, and again to be sold, &c. These proposals seem to have given general satisfaction, and every one who had entered large quantities, within these limits, gives it up with the greatest alacrity; and I am in hopes it will meet the general approbation of the company; if so, I shall be happy; if not, I shall be very sorry, though the necessity must justify the measure. The Falls of Ohio is a place of all others, within the Colony, will admit of a town, which, from its particular situation, will immediately become populous and flourishing; the land contiguous thereto rich and fertile, and where a great number of gentlemen will most certainly settle, and be the support and protection of a town at that place; a place which should meet with every encouragement, to settle and strengthen, inasmuch as it will most certainly be the terror of our savage enemies, the Kickeboos Indians, who border more nearly on that place than any other part of the Colony; and as I think it absolutely necessary that the aforesaid proposed town, at the falls, to be laid off the ensuing spring, if I find it practicable, to raise a party about the first of March and go down and lay out the town and stake it off; though this will, in a great measure, depend upon the future tranquillity of our situation, between this and then, for I assure you the little attack made upon us by the Indians the 23d of last month, has made many people, who are ashamed to confess themselves afraid, find out that their affairs on your side the mountains will not dispense with their staying here any longer at present; and I am well convinced, once they

get there, that every alarm, instead of precipitating, will procrastinate their return. When I mention the little attack made on the 23d of last month, in this cursory manner, it is because I have heretofore sent you a particular account of that massacre, in a letter of 27th ult. Though as that letter may fail, and not get to hand, I will now endeavour to briefly relate the circumstances.

On Saturday, about noon, being the 23d, Colonel Campbell, with a couple of lads, (Sanders and M'Quinney,) went across the river. On the opposite bank they parted. Campbell went up the river, about two hundred yards, and took up a bottom. The two lads, without a gun, went straight up the hill. About ten minutes after they parted, a gun and a cry of distress was heard, and the alarm given that the Indians had shot Colonel Campbell. We made to his assistance. He came running to the landing, with one shoe off, and said he was fired on by a couple of Indians. A party of men was immediately dispatched, under the command of Colonel Boon, who went out, but could make no other discovery than two mockisson tracks, whether Indians' or not, could not be determined. We had at that time, over the river, hunting, &c., ten or a dozen men, in different parties,—part or all of whom, we expected to be killed, if what Colonel Campbell said was true; but that by many was doubted. Night came on; several of the hunters returned, but had neither seen nor heard of Indians, nor yet of the two lads. We continued in this state of suspense till Wednesday, when a party of men sent out to make search for them, found M'Quinney, killed and scalped, in a corn-field, at about three miles distance from town, on the north side of the river. Sanders could not be

found, nor has he yet been heard of. On Thursday, a ranging party of fifteen men, under the command of Jesse Benton, was dispatched to scour the woods, twenty or thirty miles round, and see if any further discovery could be made. To those men we gave two shillings per day, and £5 for every scalp they should produce. After they went out, our hunters returned, one at a time, till they all came in safe, Sanders excepted, who no doubt has shared M^cQuinney's fate.

On Sunday, the 31st day of the month, our rangers returned, without doing any thing more than convincing themselves that the Indians had immediately, on doing the murder, ran off for northward, as they discovered their tracks thirty or forty miles towards the Ohio, making that way.

On the above massacre being committed, we began to doubt that there was a body of Indians about, who intended committing outrage on our inhabitants. However, we are perfectly satisfied since, that their number was only six or seven men, who set off from the Shawnee town before the treaty at Fort Pitt, with an intent, as they termed it, to take a look at the white people on Kentucky; and King Cornstalk, at the treaty, informed the commissioners of this, and said, for the conduct of these men, before they returned, he could not be responsible, for that he did not know but that they might do some mischief, and that if any of them should get killed by the whites, he should take no notice at all of it. For this, we have undoubted authority, and don't at present think ourselves in any greater danger here than if the above massacre had not have been committed.

Another circumstance is, that our ammunition grows

scant. I don't think there is enough to supply this place till the last of March, supposing we should we have no occasion of any to repulse an enemy. If we should, God only knows how long it will last. If any powder can possibly be procured, it would certainly be advisable to do it; if not, some person who can manufacture the materials we have on the way, for the purpose of making powder. Most part of those are at the block house, or at least within two or three miles of that—the rest in Powel's Valley. Those (if we had any person who knew how properly to manufacture them into gunpowder) it would be necessary to have at this place. We have no such person, and of course they would be of but little service here. Notwithstanding, I should have sent for them before now; but people here expect the most exorbitant wages for trivial services. Not less than a dollar a day will do for any thing, which will prevent my sending till I find the necessity greater, or men to be hired cheaper.

Letter from James Hogg to the Company.

DEAR SIR,

January, 1776.

On the 2d of December, I returned hither from Philadelphia; and I have now sit down to give you an account of my embassy, which you will be pleased to communicate to the other gentlemen, our copartners, when you have an opportunity. I waited for Messrs. Hooper and Hewes a day and a half, at Richmond, but they were detained by rainy weather for several days, so that they did not overtake me till I was near Phila-

delphia, where I was kept two days by heavy rain, though they had it dry where they were. It was the 22d of Oct. when we arrived at Philadelphia. In a few days they introduced me to several of the Congress gentlemen, among the first of whom were, accidentally, the famous Samuel and John Adams; and as I found their opinion friendly to our new Colony, I shewed them our map, explained to them the advantage of our situation, &c. &c. They entered seriously into the matter, and seemed to think favourably of the whole; but the difficulty that occurred to us soon appeared to them. "We have petitioned and addressed the king," said they, "and have entreated him to point out some mode of accommodation. There seems to be an impropriety in embarrassing our reconciliation with any thing new; and the taking under our protection a body of people who have acted in defiance of the king's proclamations, will be looked on as a confirmation of that independent spirit with which we are daily reproached." I then showed them our memorial, to convince them that we did not pretend to throw off our allegiance to the king, but intended to acknowledge his sovereignty whenever he should think us worthy of his regard. They were pleased with our memorial, and thought it very proper; but another difficulty occurred: by looking at the map, they observed that we were within the Virginia charter. I then told them of the fixing their boundaries, what had passed at Richmond in March last, and that I had reason to believe the Virginians would not oppose us; however, they advised me to sound the Virginians, as they would not chuse to do any thing in it without their consent.

All the delegates were, at that time, so much engaged in the Congress from morning to night, that it was some days before I got introduced to the Virginians; and before then, I was informed that some of them had said, whatever was their own opinion of the matter, they would not consent that Transylvania should be admitted as a Colony and represented in Congress, until it originated in their convention, and should be approved by their constituents. Some days after this, I was told that Messrs. Jefferson, Wythe, and Richard Henry Lee, were desirous of meeting with me, which was accordingly brought about; but, unfortunately, Mr. Lee was, by some business, prevented from being with us, though I had some conversation with him afterwards. I told them that the Transylvania Company, suspecting that they might be misrepresented, had sent me to make known to the gentlemen of the Congress our friendly intentions towards the cause of liberty, &c. &c., but said nothing of our memorial, or my pretensions to a seat in Congress. They said nothing in return to me, but seriously examined our map, and asked many questions. They observed that our purchase was within their charter, and gently hinted, that by virtue of it, they might claim the whole. This led me to take notice, that a few years ago, as I had been informed, their assembly had petitioned the crown for leave to purchase from the Cherokees, and to fix their boundaries with them, which was accordingly done, by a line running from six miles east of the long island in Holston, to the mouth of the Great Khanaway, for which they had actually paid \$2500 to the Cherokees: by which purchase, both the crown and their assembly had acknow-

ledged the property of those lands to be in the Cherokees. Besides, said I, our settlement of Transylvania will be a great check on the Indians, and consequently be of service to the Virginians.

They seemed to waive the argument concerning the right of property; but Mr. Jefferson acknowledged, that, in his opinion, our Colony could be no loss to the Virginians, if properly united to them; and said, that if his advice was followed, all the use they should make of their charter would be, to prevent any arbitrary or oppressive government to be established within the boundaries of it; and that it was his wish to see a free government established at the back of theirs, properly united with them; and that it should extend westward to the Mississippi, and on each side of the Ohio to their charter line. But he would not consent that we should be acknowledged by the Congress, until it had the approbation of their constituents in Convention, which he thought might be obtained; and that, for that purpose, we should send one of our company to their next Convention. Against this proposal, several objections occurred to me, but I made none.

This was the substance of our conference, with which I acquainted our good friends, Messrs. Hooper and Hewes, who joined me in opinion that I should not push the matter further; and they hinted to me, that, considering the present very critical situation of affairs, they thought it was better for us to be unconnected with them. These gentlemen acted a most friendly part all along, and gave a favourable account of our proceedings. Indeed I think the company under great obligations to them, and I hope they will take it under their consideration. I was fre-

quently with parties of the delegates, who in general think favourably of our enterprise. All the wise ones of them, with whom I conversed on the subject, are clear in opinion, that the property of the lands are vested in us by the Indian grant; but some of them think, that by the common law of England, and by the common usage in America, the sovereignty is in the king, agreeably to a famous law opinion, of which I was so fortunate as to procure a copy.—The suffering traders, and others, at the end of last war, obtained a large tract of land from the Six Nations, and other Indians. They formed themselves into a company, (called, I believe, the Ohio,) and petitioned the king for a patent, and desired to be erected into a government. (His majesty laid their petition before Lord Chancellor Camden and Mr. Charles York, then attorney general and afterwards chancellor. Their opinion follows:—"In respect to such places as have been, or shall be acquired by treaty or grant from any of the Indian princes or governments, your majesty's letters patent are not necessary; the property of the soil vesting in the grantee by the Indian grants, subject only to your majesty's right of sovereignty over the settlements, as English settlements, and over the inhabitants as English subjects, who carry with them your majesty's laws wherever they form colonies, and receive your majesty's protection by virtue of your royal charters."—) After an opinion so favourable for them, it is amazing that this company never attempted to form a settlement, unless they could have procured a charter, with the hopes of which, it seems, they were flattered, from time to time. However, our example has roused them, I am told, and they are now setting up for our rivals. Depending on

this opinion, another company of gentlemen, a few years ago, purchased a tract between the forks of the Mississippi and Ohio, beginning about a league below Fort Chartres, and running over towards the mouth of the Wabash; but whether or not their boundary line is above or below the mouth of the Wabash, the gentleman who shewed me their deed could not tell, as it is not mentioned, but is said to terminate at the old Shawanese town, supposed to be only thirty-five leagues above the mouth of the Ohio. And the said company purchased another larger tract, lying on the Illinois river. It was from one of this company that I procured a copy of the above opinion, which he assured me was a genuine one, and is the very same which you have heard was in possession of Lord Dunmore, as it was their company who sent it to him, expecting he would join them.

I was several times with Mr. Deane of Connecticut, the gentleman of whom Mr. Hooper told you when here. He says he will send some people to see our country; and if their report be favourable, he thinks many Connecticut people will join us. This gentleman is a scholar, and a man of sense and enterprise, and rich; and, I am apt to believe, has some thoughts of heading a party of Connecticut adventurers, providing things can be made agreeable to him. He is reckoned a good man, and much esteemed in Congress; but he is an enthusiast in liberty, and will have nothing to do with us unless he is pleased with our form of government. He is a great admirer of the Connecticut constitution, which he recommended to our consideration; and was so good as to favour me with a long letter on that subject, a copy of which is enclosed.—You would be amazed to see how

much in earnest all these speculative gentlemen are about the plan to be adopted by the Transylvanians. They entreat, they pray that we may make it a free government, and beg that no mercenary or ambitious views in the proprietors may prevent it. Quit-rents they say is a mark of vassalage, and hope they shall not be established in Transylvania. They even threaten us with their opposition, if we do not act upon liberal principles when we have it so much in our power to render ourselves immortal. Many of them advised a law against negroes.

Inclosed I send you a copy of a sketch by J. Adams, which I had from Richard Henry Lee.

*Lord Botetourt to Colonel Donelson.**Williamsburg, Aug. 9th, 1770.*

Sir,—By the enclosed papers you will find that Mr. Stuart has directed his deputy, Mr. Cameron, to convene the Cherokee chiefs on the 5th of October, at Lochaber, and that it is his particular desire that a gentleman from this dominion may attend at that congress. It is, likewise, very much my wish that the whole of that transaction may be reported to the next meeting of the general assembly, by a member of their own, upon whom they can depend. I do, therefore, hereby appoint you to be present at that treaty, that you may take minutes of all their proceedings, and report to us the time which shall be then fixed upon for running the line, as well as what provisions, &c., shall be deemed necessary to be provided for that purpose; and must intreat that you be very exact in the whole of that estimate and account.

Extremely your obedient,

BOTETOURT.

Col. Donelson.

Treaty of Lochaber, 18th Oct. 1770.

At a meeting of the principal chiefs and warriors of the Cherokee nation, with John Stuart, Esq., superintendent of Indian affairs, &c.

South Carolina, Lochaber, 18th Oct. 1770.

PRESENT—Col. Donelson, by appointment of his Excellency, the Right Honourable Lord Botetourt, in behalf of the Province of Virginia.

Alexander Cameron, deputy superintendent.

James Simpson, Esq., clerk of his Majesty's council of South Carolina.

Major Lacey, from Virginia.

Major Williamson, Captain Cohoon, Jno. Caldwell, Esq., Captain Winter; Christopher Peters, Esq., Edward Wilkinson, Esq., and John Hamarar, Esq.; besides a great number of the back inhabitants of the province of South Carolina, and the following chiefs of the Cherokee nation:—Oconistoto, Kettagusta, Attacullaculla, Keyatoy, Tiftoy, Tarrapinis, Eucy of Tugalo, Scallaluskey, Chinistah, Chinistah of Wataugah, Otasite Hey Wassie, and about a thousand other Indians of the same nation.

Interpreters,—John Watts, David M'Donald, John Vann.

TREATY.

Monday, 22d October.

At a Congress of the principal chiefs of the Cherokee nation, held at Lochaber, in the province of South Carolina, on the eighteenth day of October, in the year of our Lord 1770, by John Stuart, Esq., his Majesty's agent for, and superintendent of the affairs of the Indian nations in the southern district of North America.

A treaty for a cession to his most sacred Majesty, George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c., by the said nation of Cherokee Indians, of certain lands lying within the limits of the dominion of Virginia.

Whereas, by a treaty entered into and concluded at

Hardlabour, the 14th day of October, in the year 1768, by John Stuart, Esq., his Majesty's agent for, and superintendent of the affairs of the Indian nations inhabiting the southern district of North America, with the principal and ruling chiefs of the Cherokee nation, all the lands formerly claimed by, and belonging to, said nation of Indians, lying within the province of Virginia, to the eastward of a line beginning at the boundary of the province of North Carolina and Virginia, running in a N. by E. course to Col. Chiswell's mine on the eastern bank of the Great Canaway, and from thence in a straight line to the mouth of the said Great Canaway river, where it discharges itself into the Ohio river, were ceded to his most sacred Majesty, his heirs and successors. And whereas, by the above recited treaty, all the lands lying between Holston's river, and the line above specified, were determined to belong to the Cherokee nation, to the great loss and inconvenience of many of his Majesty's subjects inhabiting the said lands; and representation of the same having been made to his Majesty, by his Excellency the Right Honourable Norboine Baron De Botetourt, his Majesty's lieutenant and governor general of the dominion of Virginia; in consequence whereof, his Majesty has been graciously pleased to signify his royal pleasure to John Stuart, Esq., his agent for, and superintendent of, Indian affairs in the southern district of North America, by an instruction contained in a letter from the Right Honourable the Earl of Hillsborough, one of his Majesty's principal secretaries of state, dated the 13th May, 1769, to enter into a negotiation with the Cherokees, for establishing a new boundary line, beginning at the point where the North Caro-

lina line terminates, and to run thence, in a west course, to Holston's river, where it is intersected by a continuation of the line dividing the provinces of North Carolina and Virginia, and thence a straight course, to the confluence of the Great Canaway and Ohio rivers.

Article 1.

Pursuant, therefore, to his majesty's orders to, and power and authority vested in, John Stuart, Esq., agent for, and superintendent of, the affairs of the Indian tribes in the southern district,—it is agreed upon, by the said John Stuart, Esq., on behalf of his most sacred Majesty, George the Third, by the grace of God of Great Britain, France and Ireland, king, defender of the faith, &c., and by the subscribing Cherokee chiefs and warriors, on behalf of their said nation, in consideration of his Majesty's paternal goodness, so often demonstrated to them, the said Cherokee Indians, and from their affection and friendship for their brethren, the inhabitants of Virginia, as well as their earnest desire of removing, as far as possible, all cause of dispute, between them and the said inhabitants, on account of encroachments on lands reserved by the said Indians for themselves, and also for a valuable consideration in various sorts of goods, paid to them by the said John Stuart, Esq., on behalf of the Dominion of Virginia, that the hereafter recited line be ratified and confirmed, and it is hereby ratified and confirmed accordingly; and it is by these presents firmly stipulated and agreed upon, by the parties aforesaid, that a line, beginning where the boundary line between the province of North Carolina and the Cherokee hunting

grounds terminates, and running thence, in a west course, to a point six miles east of Long Island, in Holston's river, and thence to said river, six miles above the said Long Island, and thence, in a course, to the confluence of the Great Canaway and Ohio rivers, shall remain and be deemed, by all his Majesty's white subjects, as well as all the Indians of the Cherokee nation, the true and just limits and boundaries of the lands reserved by the said nation of Indians, for their own proper use, and dividing the same from the lands ceded by them to his Majesty, within the limits of the province of Virginia; and that his Majesty's white subjects, inhabiting the province of Virginia, shall not, upon any pretence whatsoever, settle beyond the said line; nor shall the said Indians make any settlements or encroachment on the lands which, by this treaty, they cede and confirm to his Majesty; and it is further agreed, that as soon as his Majesty's royal approbation of this treaty shall have been signified to the governor of Virginia, or superintendent, this treaty shall be carried into execution.

Article 2.

And it is further agreed upon, and stipulated by the contracting parties, that no alteration whatsoever shall henceforward be made in the boundary line above recited, and now solemnly agreed upon, except such as may hereafter be found expedient and necessary for the mutual interests of both parties; and which alteration shall be made with the consent of the superintendent, or such other person or persons as shall be authorised by his Majesty, as well as with the consent and approbation of the Cherokee nation of Indians, at a congress or general

meeting of said Indians, to be held for said purpose, and not in any other manner.

In testimony whereof, the said superintendent, on behalf of his Majesty, and the underwritten Cherokee chiefs, on behalf of their nation, have signed and sealed this present treaty, at the time and place aforesaid.

JOHN STUART. (*Seal.*)

By order of the Superintendent.

WILLIAM OGILVY, *Secr'y.*

Oconistoto,	(<i>Seal.</i>)	Woolf of Keeweess,	(<i>Seal.</i>)
Kittagusta,	(<i>Seal.</i>)	Skyagusta Tiftoy,	(<i>Seal.</i>)
Attacullaculla,	(<i>Seal.</i>)	Tarrapinis,	(<i>Seal.</i>)
Keyatoy,	(<i>Seal.</i>)	Eucy of Tugalo,	(<i>Seal.</i>)
Kinnatilah,	(<i>Seal.</i>)	Scaleluskey of Sugartown,	(<i>S'l.</i>)
Ukayoula,	(<i>Seal.</i>)	Chinistah of Do.	(<i>Seal.</i>)
Chukanuntas,	(<i>Seal.</i>)	Chinistah of Wataugah,	(<i>Seal.</i>)
Skyagusta Tuukcis,	(<i>S'l.</i>)	Otasite Hey Wassie,	(<i>Seal.</i>)

The proceedings at the above congress, and also the said treaty, were read in council December 12th, 1770.

Letter of Colonel Henderson, at Boonsborough, to the Proprietors.

Boonsborough, June 12th, 1775.

GENTLEMEN,

It would be needless in me to enter into a detail of every little occurrence and cross accident which has befallen us since we left Wattauga; they can afford no instructions, and are too trifling for your amusement. No doubt but you have felt great anxiety since the receipt of

my letter from Powell's Valley. At that time things wore a gloomy aspect; indeed it was a serious matter, and became a little more so, after the date of the letter than before. That afternoon I wrote the letter in Powell's Valley, in our march this way, we met about 40 people returning, and in about four days the number was little short of 100. Arguments and persuasions were needless; they seemed resolved on returning, and travelled with a precipitation that truly bespoke their fears. Eight or ten were all that we could prevail on to proceed with us, or to follow after; and thus, what we before had, counting every boy and lad, amounted to about 40, with which number we pursued our journey, with the utmost diligence, for my own part, never under more real anxiety. Every person, almost, that we met, seemed to be at pains to aggravate the danger of proceeding; and had we given them all a fair hearing, I believe they would, in return for the favour, have gotten all our men. Many seemed to be of opinion (who had been with Boone) that the men assembled at the mouth of Otter creek, would get impatient and leave him before we could possibly get there, if no other accident befel them; and, with me, it was beyond a doubt, that our right, in effect, depended on Boone's maintaining his ground—at least until we could get to him. Here, gentlemen, your imagination must take the burden off my hands, and paint what I am unable to describe. You need not be afraid of giving scope to your fancy; it is impossible to make the picture worse than the original. Every group of travellers we saw, or strange bells which were heard in front, was a fresh alarm; afraid to look or inquire, lest Captain Boone or his company was amongst them,

or some disastrous account of their defeat. The slow progress we made with our packs, rendered it absolutely necessary for some person to go on and give assurance of our coming, especially as they had no certainty of our being on the road at all; or had even heard whether the Indians had sold to us or not. It was owing to Boone's confidence in us, and the people's in him, that a stand was ever attempted in order to wait for our coming. The case was exceedingly distressing: we had not a fellow that we could send on a forlorn hope in our whole camp: all our young men had sufficient employ with the pack-horses; and, the truth is, very few would have gone, if they had been totally idle. Distress generally has something in store when it is least expected; it was actually the case with us. Mr. William Cocke, (with whom some of you are acquainted) observing our anxiety on that account, generously offered to undertake the journey himself, and deliver a letter to Captain Boone, with all the expedition in his power. This offer, extraordinary as it was, we could by no means refuse—it was not a time for much delicacy; a little compliment and a few very sincere thanks, instantly given, preceded a solemn engagement to set off next morning; and if he escaped with his life, to perform the trust. The day proved dark and rainy; and I own, Mr. Cocke's undertaking appeared a little more dangerous than the evening before—in spite of affectation, it was plain he thought so—whether it was from the gloominess of the weather, or the time of setting off being actually come, or what, I cannot tell; but perhaps a little of both. Indeed I rather suspect there is some little secondary mischievous passion, personating courage, hankering about the heart

of man, that very often plays him a double game, by causing him to view dangers at a little distance, through the wrong end of the glass; and as soon as cool deliberation, by the help of caution, has shifted the telescope, and brought the object home to a nearer view, and perhaps the dangerous features a little magnified, this monkey passion most shamefully deserts and leaves the affair to be managed as it can. Be that as it may, in these cases we are not always without a friend. *Pride* will, if possible, take up the cudgels; and let the world say what it will of her, she answers the end of genuine innate courage, (if there be such a thing) and for aught I know, it is the thing itself. But to return to our subject: no time was lost; we struck whilst the iron was hot, fixed Mr. Cocke off with a good Queen Ann's musket, plenty of ammunition, a tomahawk, a large cuttose knife, a Dutch blanket, and no small quantity of jerked beef. Thus equipped, and mounted on a tolerably good horse, on the day of April, Mr. Cocke started from Cumberland river, about 130 miles from this place, and carried with him, besides his own enormous load of fearful apprehensions, a considerable burden of my own uneasiness. The probability of giving Mr. Boone and his men word of our being near them, administered great pleasure, and we made the best use of our time, following on.

The general panic that had seized the men we were continually meeting, was contagious; it ran like wild fire; and, notwithstanding every effort against its progress, it was presently discovered in our own camp; some hesitated and stole back, privately; others saw the necessity of returning to convince their friends that they

were still alive, in too strong a light to be resisted; whilst many, in truth, who have nothing to thank but the fear of shame, for the credit of intrepidity, came on; though their hearts, for some hours, made part of the deserting company. In this situation of affairs, some few, of genuine courage and undaunted resolution, served to inspire the rest; by help of whose example, assisted by a little pride and some ostentation, we made a shift to march on with all the appearance of gallantry, and, cavalier like, treated every insinuation of danger with the utmost contempt. It soon became habitual; and those who started in the morning, with pale faces and apparent trepidation, could lie down and sleep at night in great quiet, not even possessed of fear enough to get the better of indolence. There is a mistaken notion amongst the vulgar, with respect to courage, which cannot be eradicated but by dint of experiment; all watching, when it comes to be put in practice, has to them the appearance of cowardice; and that it is beneath a soldier to be afraid of any thing, especially when a little fatigued. They would all agree in the morning, that it would be highly prudent and necessary to keep sentinels around our camp at night; but a hearty meal or supper, (when we could get it) and good fires, never failed putting off the danger for at least 24 hours; at which time it was universally agreed, on all hands, that a watch at night would be indispensably necessary. Human nature is eternally the same; a death-bed repentance and a surprised camp are so nearly assimilated, that you may safely swear they arise from the same cause. Without further speculation, we have been so fortunate, hitherto, as to escape both. I wish, from my soul, that they may not be in league to come toge-

ther. Never was fairer opportunity, as to the one, and you may form a tolerable judgment as to the other; the western waters having, as yet, produced no visible alteration with respect to morals or Christian charity amongst us. It will no doubt surprise you, but it is nevertheless true, that we are in no posture of defence or security at this time; and, for my own part, do not much expect it will ever be effected, unless the Indians should do us the favour of annoying us, and regularly scalping a man every week until it is performed; if the intervals should be longer, the same spirit of indolence and self-security, which hath hitherto prevailed, would not only continue, but increase. To give you a small specimen of the disposition of the people, it may be sufficient to assure you, that when we arrived at this place, we found Captain Boone's men as inattentive on the score of fear, (to all appearances) as if they had been in Hillsborough. A small fort only wanted two or three days' work to make it tolerably safe, was totally neglected on Mr. Cocke's arrival; and unto this day remains unfinished, notwithstanding the repeated applications of Captain Boone, and every representation of danger from ourselves. The death of poor Tivitty and the rest, who at the time you were informed, became sacrifices to indiscretion, had no more effect than to produce one night's watching after they got to Otter creek; not more than ten days after the massacre. Our plantations extend near two miles in length, on the river and up a creek. Here people work in their different lots; some without their guns, and others without care or caution. It is in vain for us to say any thing more about the matter; it cannot be done by words. We have a militia law, on which I have some

dependence; if that has no good effect, we must remain for some time much at the mercy of the Indians. Should any successful attack be made on us, Captain Hart, I suppose, will be able to render sufficient reasons to the surviving company, for withdrawing from our camp, and refusing to join in building a fort for our mutual defence. This representation of our unguarded and defenceless situation is not all that seems to make against us. Our men, under various pretences, are every day leaving us. It is needless to say any thing against it; many of them are so much determined, that they sell their rights for saving land on our present terms, to others who remain in their stead, for little or nothing; nay, some of them are resolved to go, and some are already gone, and given up all pretensions for this season, and depend on getting land on the next fall's terms. Our company has dwindled from about eighty in number to about fifty odd, and I believe in a few days will be considerably less. Amongst these I have not heard one person dissatisfied with the country or terms; but go, as they say, merely because their business will not admit of longer delay. The fact is, that many of them are single, worthless fellows, and want to get on the other side of the mountains, for the sake of saying they have been out and returned safe, together with the probability of getting a mouthful of bread in exchange for their news.

Having given you a slight view of one side of the question, it may not be amiss to turn the subject over, and see what may be said on the other hand. Notwithstanding all our negligence, self-security, scarcity of men, and whatever else may be added against us, I cannot think but we shall carry the matter through, and be

crowned with success. My reasons for this opinion, calls for in you, a kind of knowledge of the geography of our country. Those who have no just idea of this matter may be aided by Captain Hart. We are seated at the mouth of Otter creek, on the Kentucky, about 150 miles from the Ohio. To the west, about 50 miles from us, are two settlements, within six or seven miles one of the other. There were, some time ago, about 100 at the two places; though now, perhaps, not more than 60 or 70, as many of them are gone up the Ohio for their families, &c.; and some returned by the way we came, to Virginia and elsewhere. These men, in the course of hunting provisions, lands, &c., are some of them constantly out, and scour the woods from the banks of the river near forty or fifty miles southward. On the opposite side of the river, and north from us, about 40 miles, is a settlement on the crown lands, of about 19 persons; and lower down, towards the Ohio, on the same side, there are some other settlers, how many, or at what place, I can't exactly learn. There is also a party of about 10 or 12, with a surveyor, who is employed in searching through that country, and laying off officers' lands; they have been more than three weeks within ten miles of us, and will be several weeks longer ranging up and down that country. Now, taking it for granted, that the Cherokees are our friends, which I most firmly believe, our situation exempts us from the first attempt or attack of any other Indians. Colonel Harrod, who governs the two first mentioned settlements, (and is a very good man for our purpose) Colonel Floyd, (the surveyor) and myself, are under solemn engagements to communicate, with the utmost despatch, every piece of in-

telligence respecting danger or sign of Indians, to each other. In case of invasion of Indians, both the other parties are instantly to march and relieve the distressed, if possible. Add to this, that our country is so fertile, the growth of grass and herbage so tender and luxuriant, that it is almost impossible for man or dog to travel, without leaving such sign that you might, for many days, gallop a horse on the trail. To be serious, it is impossible for any number of people to pass through the woods without being tracked, and of course discovered, if Indians, for our hunters all go on horseback, and could not be deceived if they were to come on the trace of footmen. From these circumstances, I think myself in a great measure secure against a formidable attack; and a few skulkers could only kill one or two, which would not much affect the interest of the company.

Thus, gentlemen, you have heard both sides of the question, and can pretty well judge of the degree of danger we are in. Let your opinions be as they may on this point, by no means betray the least symptom of doubt to your most intimate friends. If help is ever wanting, it will be long before succour can come from you, and therefore every expense of that kind superfluous and unnecessary. If we can maintain our ground until after harvest, in Virginia, I will undertake forever after to defend the country against every nation of red people in the world, without calling on the company for even a gun-flint.

Here I must beg the favour of your turning back with me to Powell's Valley. Our anxiety at that time is now of very little concern to you; but the impressions still remain on my mind, and indeed I would not wish to get

clear of them in a little time. It learnt me to make an estimate of the probable value of our country; to see the imminent danger of losing it forever, and presented me with a full view of the ridiculous figure we should cut in the world, in case of failure. With respect to the real consequence of such a disappointment, I could not so well judge for the company in general, as for myself, but thought it too serious an affair with respect to us all, to be tamely given up without the fire of a single gun, or something like an attempt to take possession and defend our rights, so long, at least, as we should find our posts tenable.

Though the danger Mr. Cocke exposed himself to in rendering this piece of service to the company, dwelt on me for some time, yet having despatched a messenger to Captain Boone was a matter of such consolation, that my burthen from that time was much lightened. We soon found, by his letters on the road, that he had a companion, and went on very well (a small stoppage by waters excepted). On Thursday, the 20th April, found him with Captain Boone and his men at the place appointed, where he had related the history of his adventures, and come in for his share of applause; here it was that the whole load, as it were, dropped off my shoulders at once, and I questioned if a happier creature was to be found under the sun. Why do I confine it to myself; it was general; the people in the fort, as well as ourselves, down to an old weather-beaten negro, seemed equally to enjoy it. Indeed it was natural for us, after being one whole month, without intermission, travelling in a barren desert country, most of the way our horses packed beyond their strength; no part of the

road tolerable, most of it either hilly, stony, slippery, miry, or bushy; our people jaded out and dispirited with fatigue, and what was worse, often pinched for victuals. To get clear of all this at once, was as much as we could well bear; and though we had nothing here to refresh ourselves with, but cold water and lean buffalo beef, without bread, it certainly was the most joyous banquet I ever saw. Joy and festivity was in every countenance, and that vile strumpet, envy, I believe, had not found her way into the country.

By this time, gentlemen, I make no doubt but you would be glad that I would change my subject, and enter on something more interesting. You want a description of our country, soil, air, water, range, quantity of good land, disposition of the people here, what probability of keeping possession; and availing ourselves of the purchase, how much money can be immediately raised towards defraying the first purchase, and if any overplus, that will remain on hand for the use of the copartners, &c. &c. &c. These, sirs, are matters of the utmost importance, and many of them deserve your most serious attention. With respect to the country, Mr. Hart, who brings this, will give you ample satisfaction. All that I shall say about it is, that it far exceeds the idea which I had formed of it; and indeed it is not surprising, for it is not in the power of any person living to do justice to the fertility of the soil, beauty of the country, or excellence of its range; let it suffice, that we have got a country of good land, with numberless advantages and inducements to a speedy population; that this country is large enough, and surely will be settled immediately on some principles or other: the

grand affair on our part, is to manage matters so as to have our rights acknowledged, and continue lords of the soil. Every thing has succeeded to my wish with respect to title. The torrent from Virginia appears to be over, and gentlemen of considerable fortune, from thence, are some of them come, and others coming, with design to purchase under us, as they cannot come within the indulgences to adventurers of this season; and applications are daily making for the next year's price. Many of them are returned home, and would have been much dissatisfied, if I had not promised them, on my word and honour, that the terms should be immediately published in all the Williamsburg papers.

*Memorial of the Transylvania Company, commonly
called Richard Henderson & Co.*

To the Honourable
the Congress of the United States,

The Memorial of Thomas Hart, of the State of Kentucky,
John Williams, Leonard Henley Bullock, and James
Hogg, of the State of North Carolina, sheweth,

That in the fall of the year 1774, your Memorialists, in company with Richard Henderson, William Johnston, Nathaniel Hart, John Luttrell, and David Hart, all now deceased, entered into bargain with the Overhill Cherokee Indians, for a purchase of some of their lands; and agreeably to preliminaries then agreed to, they in March 1775, met at Watauga with the chiefs of the said Indians,

attended by upwards of twelve hundred of their people; and then and there, in fair and open treaty, after several days' conference, and full discussion of every matter relating to the purchase, in presence of, and assisted by interpreters chosen by the said chiefs, and in consideration of a very large assortment of clothes and other goods, then delivered by the said Company to the said chiefs, and by them divided among their people, they the said Company obtained from the said Indians two several deeds, signed by Okonistoto their king or chief warrior, Atakullakulla and Savonooko or Coronoh, the next in the nation to Okonistoto in rank and consideration, for themselves, and on behalf, and with the warm approbation of the whole nation. These two grants comprehended, besides a great tract of land on the back of Virginia, a vast territory within the chartered limits of North Carolina, lying on the rivers of Holston, Clinch, Powel and Cumberland and their several branches, to the amount of many millions of acres.

This purchase from the aborigines and immemorial possessors of the said lands, being concluded more than a year before the Declaration of Independence, before the very existence of the Americans as states, or their claim to such lands, and not contrary to any then existing law of Great Britain or her Colonies, your memorialists and their copartners with confidence concluded that they had obtained a just, clear and indefeasible title to the said lands; and being then by the said Indians put into the actual possession of the said country, they immediately hired between two and three hundred men, and proceeded across their territory, to the river Kentucky, which with all its branches was comprehended in their purchase;

and there about the 20th of April in the said year of 1775, began a settlement to which they gave the name of Boonsborough. The raising of necessary accommodations for their infant Colony, and building forts for their defence against the Shawanese and other hostile Indians, on the north-west of the Ohio, added much to the prime cost of their lands, and was attended with imminent risk and danger, and even with the massacre of some of the proprietors and several of their friends and followers.

After thus possessing and defending their property at a vast expense, trouble and danger, for several years against the savages, the Company were much astonished to find that first the Assembly of Virginia, and some years afterwards, the Assembly of North Carolina, began to call in question the rights of the said Company. It would be to no purpose at this time, to trouble Congress with any thing relating to the negotiation of the said Company with the Assembly of Virginia, as the compensation in lands, made to them by that state remains untouched and unclaimed by any person or persons whatever against the Company, as far as has come to their knowledge. But the different fate of the lands granted them by the Assembly of North Carolina, makes some detail necessary.

This Assembly, in their May session of 1782, enacted that a great part of the lands lying on the river Cumberland and branches thereof, all within the said Company's purchase, should be laid off and reserved for the officers and soldiers of the North Carolina line, and soon thereafter, opened a land office for the sale of their whole purchase. However, after repeated remonstrances, pre-

sented to them by the Company, the Assembly, by way of compensation for their trouble and expense, agreed that the Company should retain 200,000 acres on the waters of Powel and Clinch rivers, part of the Company's purchase, with the grant or guarantee of the state for the same. The Company felt themselves grossly aggrieved by being thus arbitrarily dealt with; but they saw no alternative: they had not power to do themselves justice; and there was then no tribunal to which they could appeal. One of the conditions of this grant or guarantee was, that it should be surveyed within a certain limited time. The Company, therefore, found it necessary to have the survey made within the time prescribed; and though the Indians were then hostilely disposed, they ventured to depute one of their partners with a surveyor, chain carriers and guards; but after incurring an expence of £300 and upwards, the survey and plot were found defective, owing to the hurry in which the business was done. This misfortune obliged the Company to apply to the Assembly for further time to have a new survey. Time was accordingly given, and agreeably thereto, at the expense of £200 more and upwards, the survey was completed, and soon thereafter conferred by the Assembly.

But while these things were doing, the General Assembly, in the year 1789, had ceded their western lands to the United States, and the United States in 1790, accepted this cession, on certain conditions, one of which was, that all entries made by, and grants made to, any persons within the limits ceded, should have the same force and effect as if the cession had not been made." Within this cession the whole of the Company's grant from the

General Assembly was comprehended; and though, in the opinion of the Company, it was a compensation very inadequate to their trouble and risk and expense, ye, being now in possession of a state right as well as Indian right, they flattered themselves their title to it was beyond a cavil. They concluded to be of considerable value; and as the Holston settlements were rapidly advancing around it, they were persuaded they could venture to form settlements on it, or at least dispose of it to advantage. They therefore had a bill of partition filed in the district court of Washington; and being now in view of a speedy partition and of receiving some small compensation for their great expenditures and trouble, they could not help being greatly astonished and extremely mortified, when they learnt that almost the whole of their grant from the Assembly was ceded to the Cherokee Indians by the United States at the treaty of Holston, made on the day of 179

Such a seizure and disposal of the property of citizens without any previous stipulation with the proprietors, nay without the least notice given them or any crime alleged against them, appeared to your Memorialists not only improper but unjust; but for the honour of the states, your Memorialists hope, that at the time this cession was made to the Indians, the government was not aware that such private property was comprehended in it. At any rate, if for political reasons, and for the interest of the states, it was found expedient to make such a sacrifice of the rights of a private company, it is to be hoped that Congress will be disposed to make ample compensation.

Twenty years have nearly elapsed since the Company

made their purchase from the Indians. The expenses of this purchase from first to last have been great, and have been the means of reducing some of the Company to great difficulties; for, owing to the facts and circumstances above set forth, they have not to this day, been able to receive the smallest recompence.

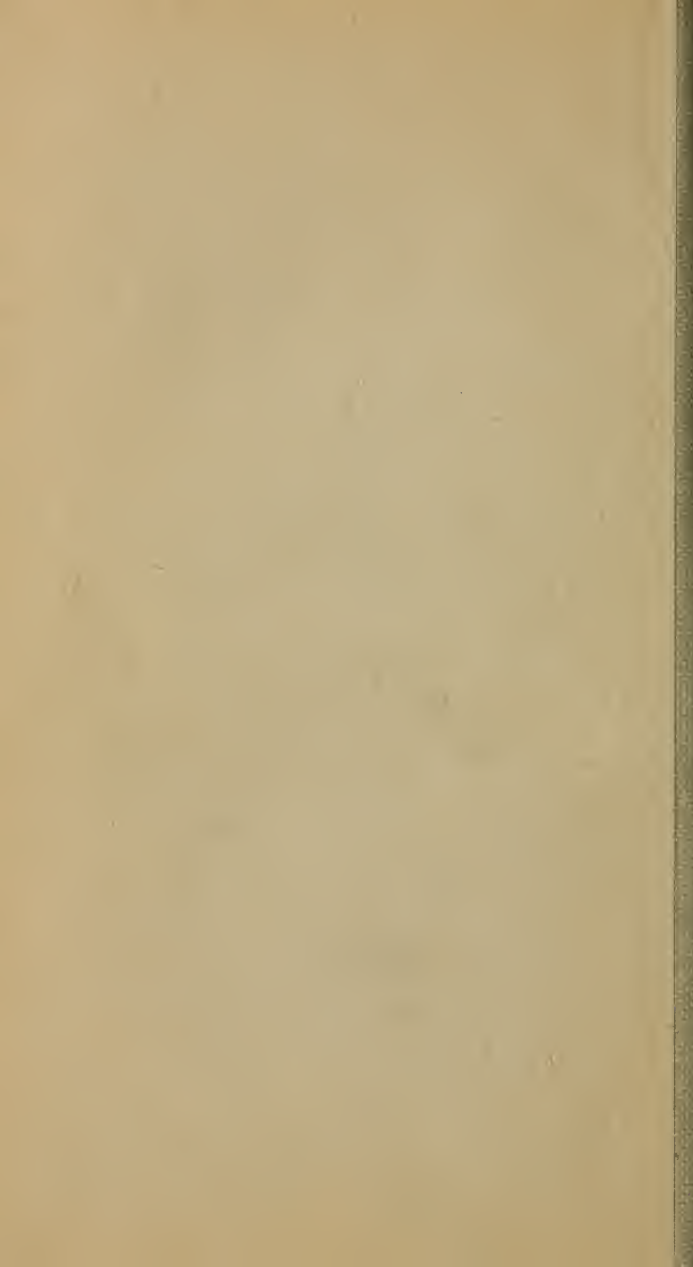
The injustice and oppression complained of are flagrant, and the facts and circumstances above set forth are notorious, at least they are well known to the Senators and Representatives in Congress from the state of North Carolina, and the deeds and other vouchers are ready to be produced. And that all difficulty and dispute may hereafter be done away, your memorialists are willing, upon receiving proper compensation, to relinquish all claim to the lands purchased by them from the Indians within the chartered limits of North Carolina, an extensive territory now held by the United States in which the Indian claim was extinguished by fair purchase, at the expense of your Memorialists. Your Memorialists therefore, without further detail, beg leave to submit their case to the wisdom and justice of the Congress of the United States, and from them hope for speedy and ample redress.

Your Memorialists have only further to request, that whatever compensation Congress may be pleased to give them, may be directed to be dealt out to your Memorialists and Company, and their representatives or assigns, respectively, in proportion to the share to which each is entitled by the copartnership.

Signed for and in behalf of the Company, by

JNO. WILLIAMS, Chairman.

6th January, 1795.





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